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THE NEW REPUBLIC

A Journal of Politics and the Arts – May 26, 1973, 50 cents

Clandestine Corruption

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A Searing Wound – *John Osborne*
Civilized Authors – *John Wain*
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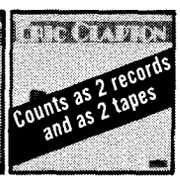

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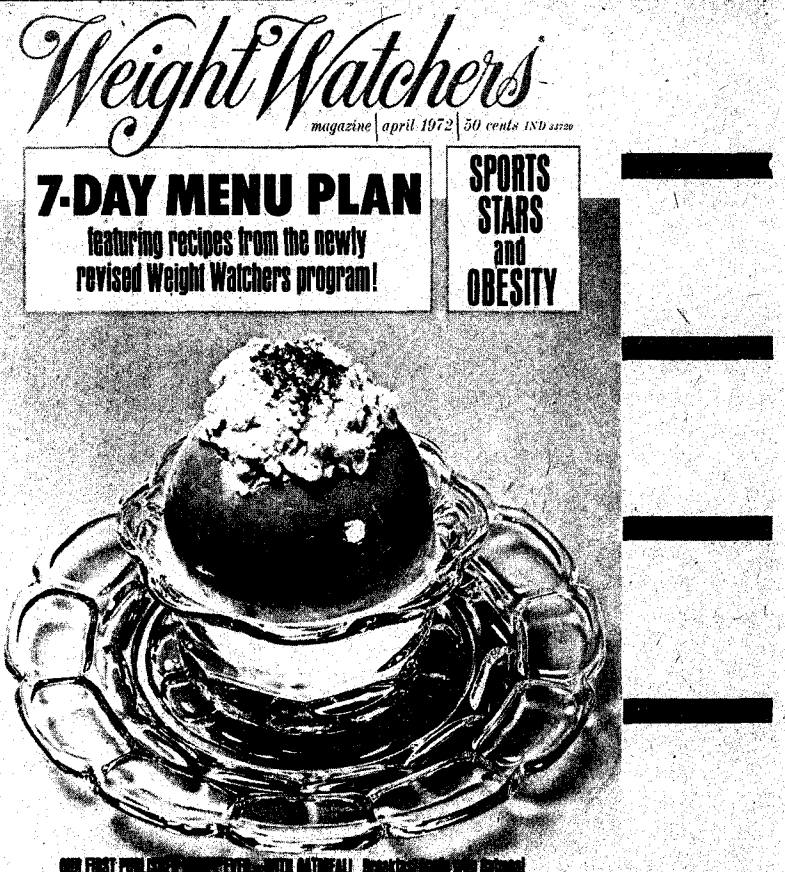
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from Washington
May 26, 1973

Speaking of Reform

The three faults in the American form of government are all brilliantly illustrated in the fix we are in now over Watergate. By an extraordinary historical coincidence they are all present at one time. They explain why no other modern democracy has our system. They show why unless some radical change is made by legal means we shall probably be forced ultimately to make the change by more dangerous means.

The first fault is that after an election one party may control the White House and another Congress. That happened, spectacularly, last November. It has happened before, of course, and we have struggled along with it. But by a policy that seems almost crazy, Mr. Nixon in November declined to take a conciliatory line to the Democratic Congress and from the very first bullied, aggravated and outraged his antagonist.

The second fault is the frozen four-year term. Under a parliamentary system if a credibility collapse occurs a vote of no confidence is taken for granted, then an election and a new mandate. But our 18th-century government lacks it. It is like a building with no fire-escape. Today we have a President who probably can't govern and we are stuck with him for three years. Impeachment, resignation?—hardly likely. Quaintly enough, Mr. Nixon last week embraced the Mansfield proposal of a constitutional amendment to let the chief executive serve only one term, for six years. So if burglaries discredited him in the first year, we should have him and his Watergate clowns for five years and couldn't chuck him.

The third fault is one-man rule. The US President is a kind of elected monarch, whereas the job requires collective parliamentary team wisdom; it has grown too big for one man. It is the peculiar contribution of Mr. Nixon that he has exaggerated this isolation beyond that, we believe, of any other President. Most Presidents have regular group consultations with somebody or other, normally the Cabinet. Theoretically this isn't vital. If Presidents were all Abe Lincolns it would be different.

The strong man for Nixon was John Mitchell. He was a kind of father figure, the second most powerful man in Washington. As we look back on Mitchell, the bond salesman, we think his advice was universally bad. We cannot really remember any exception to this. As campaign manager in 1968, Mitchell helped bring down an initial 16 percent Nixon lead over the all-but-mortally wounded Humphrey after the Chicago convention, to win by less than one percent; he was responsible for the Carswell and Haynsworth fiascoes; he backed the "law-and-order" 1970 mid-term campaign, another flop; he was slapped down by his own Supreme Court on black voting rights, and on the outrageous doctrine of inherent presidential power to tap telephones without court order; and he is up to his neck now, so far as we can judge, in Watergate. What a sight it was the other day on a CBS documentary to see three flashback Mitchell interviews in which he self-righteously denied any knowledge of Watergate, followed by a fourth in which he said, yes, the lawless proposal had been discussed thrice in front of him. He brought no prosecution. That's our law-and-order leader.

It seems to us, in retrospect, that Mr. Nixon recognized the weakness of our separation-of-powers government and was trying to change it in his own way, a way we don't approve, but that we can understand because we too think it is outmoded. He tried to centralize things under his control; he tried to cow Congress for good, and he advanced doctrines of executive authority which really would have changed our systems for keeps. You can't read over Richard Kleindienst as attorney general telling a Senate committee that the President has power to tell 2,500,000 federal employees not to testify, or recall the crowd at the White House arrogantly asserting that the President has the ultimate authority to spend, or not to spend, money voted by Congress (*i.e.*, impoundment), without feeling that we were just on the verge of a change in our form of government.

Watergate has halted executive domination, we guess. At least for the time. But are we really just going back to the "old system" again, which many are demanding: the possibility of stalemate elections again with no recourse; the frozen four-year term; the built-in pressure toward presidential usurpation simply to get things done? Surely in the nuclear age this won't do. Mr. Nixon proposes a constitutional amendment for a change in presidential tenure; while we are about it why don't we explore half a dozen other amendments to give us a more flexible system.

Meanwhile the Ervin investigation commences. Some lawyers object to the procedure. They say it precludes a court inquiry and that publicity by Ervin will make it impossible to send anybody who is guilty to jail. We think this misses the point. This tremendous affair in the marble caucus room of the Senate is not the subject for a normal 12-man jury; you and I are the jury, the nation is the jury. This is a folk-moot by America. The defendant, whether we like it or not, is the President—he and the men around him.

The role of television in this unprecedented national inquest must be noted. Television is the President's medium. It has made the modern President possible. Mr. Nixon can ask and get prime time when he wants it. He is the only man in America who can; he can speak right into your living room at will; the TV mike is more powerful than the monarch's orb and scepter; it is the symbol and instrument of his power. Save at elections it is a monopoly appurtenance. When Senator Muskie tries to answer the President, as he did the other day, he can't get free time.

But in the Watergate probe television passes out of the President's control, for the time being. As David Wise says in his powerful new book *The Politics Of Lying* (Random House) "the government has increasingly gained control over the channels of information about military, diplomatic, and intelligence events . . . Because of official secrecy on a scale unprecedented in our history, the government's capacity to distort information in order to preserve its own political power is almost limitless."

It came within an inch of succeeding in Watergate. It is far more important now to show the nation how the system works than it is to send a few Nixon creeps and Watergate clowns to jail.

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Contents

3 Comment
Clandestine Corruption, Case Dismissed, Congress on the War, The New Legal Services, Half a Loaf, Congress and the Budget, The Servant Problem
7 A Letter to Richard Nixon: The President Should Resign—*Arthur Bestor*
4 Arms for What?—*Herbert Scoville, Jr.*
5 The Nixon Watch: A Searing Wound —*John Osborne*
7 David Bruce in Peking—*Stanley Karnow*
9 Justice in Philadelphia—*James Steele* and *Donald Barlett*
2 Theater—*Stanley Kauffmann*
3 Greek Tragedy and the Watergate —*Robert Brustein*
3 Poem—*Peter Meinke*
4 Books—Reviews by *John Wain, Tom Geoghegan, James Walt*
3 Correspondence

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Clandestine Corruption

Less than a week after five men were arrested inside Democratic headquarters in the Watergate office building, Assistant US Attorney Earl J. Silbert, then and now chief prosecutor in the case, announced in a court bond hearing that one of the defendants, Bernard Barker, had withdrawn $89,000 in cash from a Miami bank account. Silbert did not publicly disclose at the time the source of those funds—four checks drawn on the Banco Internacional of Mexico City. As he stood in court that day, June 23, 1972, Silbert was unaware that the checks had originally been sent to the Committee for the Re-election of the President. Thus he did not know he was introducing material that would become the first solid link between the Watergate break-in and bugging and the Nixon campaign organization. The President's closest White House aides, H. R. Haldeman and John Ehrlichman, did know it but did not tell prosecutor Silbert. Instead they tried to inveigle the CIA and the FBI into helping them cover up the tracks. At a meeting on June 23 in Ehrlichman's White House office, Haldeman—with CIA Director Richard Helms looking on—ordered the deputy director of CIA, Lt. General Vernon Walters, a former Nixon military aide, to block an FBI inquiry into the Mexican checks. He was to do so by informing then acting FBI Director L. Patrick Gray III that any such inquiry would disclose secret CIA funding channels. Within an hour Walters met with Gray and did as he had been ordered. Gray thereupon halted further investigation of the checks. Two weeks passed before Walters told Gray that he had lied.

Over at the Committee for the Re-election of the President on that same day, June 23, finance chairman Maurice Stans received a final up-to-date accounting of the almost $2 million in cash contributions to and expenditures of the committee. There was only one copy. Hugh Sloan, Jr., Stan's treasurer who prepared the report, then destroyed the backup material. That left Stans with the only record disclosing that G. Gordon Liddy, later convicted as a Watergate conspirator, had received some $200,000 in cash from the Nixon committee. Sloan, the man who had given the money to Liddy, had been rather uneasy even before $5300 in $100 bills was found on the Watergate burglars. When Liddy sought $83,000 two months earlier, Sloan had asked Stans to approve handing over so large a sum in cash. Stans promised to check with Nixon campaign director John Mitchell,

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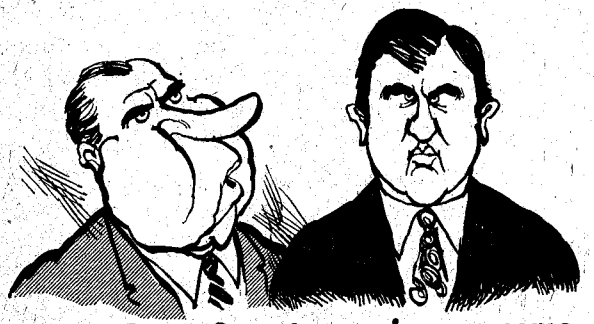
and later said the money should be paid. But he advised Sloan, "I don't know and you don't want to know" why. On June 23, after Helms and Walters had left the White House, Sloan talked with Ehrlichman. According to Sloan's court statement, "I think I got as far as saying there were funds that I did not know where they went, that there might be a connection with the situation. He told me to go no further, he didn't want any of the details. . . He said his position was that he would have to take Executive privilege until after the election in any case."

Thus within a week of the Watergate arrests—while the President's press secretary was refusing to comment on a "third rate burglary attempt" and the President's campaign manager was saying there was no connection between the burglary and the Nixon campaign—the President's two top aides knew all and were maneuvering to enlist the heads of the FBI and the CIA in a campaign of concealment. And they didn't stop there. On June 27, then White House Counsel John Wesley Dean III, acting on behalf of Ehrlichman, reportedly asked General Walters if CIA could arrange secretly for bail money and salaries to be paid to the Watergate conspirators. Walters said there was no way such expenditures could be hidden from Congress, that the agency would thereby be implicated in the conspiracy, that he would resign rather than do what Dean wanted. Enough was enough. CIA had already, covertly, given material support to Hunt and Liddy. On July 7, 1971 Ehrlichman had called then CIA Deputy Director General Robert E. Cushman, Jr.—another former Nixon military aide—requesting CIA assistance for a special White House investigative unit operating under Ehrlichman and directed principally by Egil Krogh. Hunt met with Cushman, requested and got alias identification papers, a wig, glasses, a speech alteration device, a tape recorder hidden in a typewriter case and a camera hidden in a tobacco pouch. At a subsequent meeting he brought along Liddy, for whom he got another wig and glasses. He also asked for assignment of a secretary he had known in CIA. Three weeks later, CIA employees were called long distance by Hunt and asked to meet him at Dulles airport at 6 am, August 27, where they would receive film which he wanted developed promptly. Hunt also asked CIA to set up for him a New York mail address and telephone answering service. That was the point at which CIA personnel at lower levels complained that Hunt was going beyond the initial agreement, that his undercover work might be domestic in nature and thus bring the agency into conflict with laws barring it from acting within the US. General Cushman phoned Ehrlichman saying further CIA assistance would not be forthcoming. Approximately one week later, under the direction of Hunt and Liddy, the office of Daniel Ellsberg's psychiatrist was broken into. Unwittingly perhaps, CIA employees had been accomplices.

While one part of CIA was equipping the Hunt-Liddy operation, another was supplying the same group with a personality assessment of Ellsberg—a project that had been proposed to CIA Director Helms by David Young, White House associate of Krogh. In July 1971 Young handed CIA published materials on Ellsberg, and in August Hunt and Liddy met with CIA officials to discuss the assessment. On October 12—a month after the Ellsberg psychiatrist break-in—

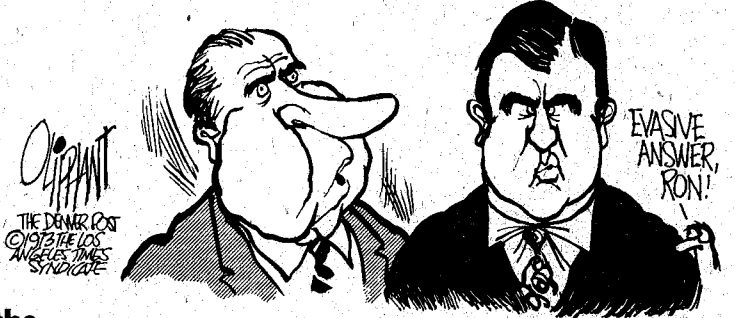
(continued on page 8)



'OK, Mr. Press Secretary, give me some answers!'

'If I knew about the Watergate Caper, what am I doing in the White House?'

'. . And if I didn't know anything about the affair. . .'



'. . What am I doing in the White House?'

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A Letter to Richard Nixon

The President Should Resign

Richard M. Nixon
The White House
Washington, DC

Dear President Nixon:

In the interests of honor, integrity and decency in American public life, you, sir, should resign the presidency upon which you have brought unparalleled disgrace.

Whether you had advance knowledge of the crime perpetrated at Watergate is not the crucial question. The persons who have been implicated in the burglary and the subsequent cover-up were members of your administration, chosen and vouched for by you or by persons appointed by you and acting under your authority. The burglary at Watergate, it is now evident, was only one episode in a continuous sequence of "dirty tricks" (the current euphemism for crimes committed under White House auspices). Many of the shameful deeds were perpetrated by a committee the sole purpose of which was to bring about your re-election. The various activities that are now becoming known—ranging from the forgery of documents to the burning of "sensitive" files, from the "washing" of money (thieves' argot) to the rifling of a psychiatrist's office—were carried out for your benefit, by persons well known to you, working in White House offices over which no one but you could or did exercise supervision and control.

It is exceedingly difficult to believe that all this was done, over periods measured in months and even years, without the slightest inkling reaching you. It is exceedingly difficult to believe that the whole tone of the administration was set by subordinates, acting directly contrary to your wishes. It is exceedingly difficult to believe that the readiness of your henchmen to violate the law time after time was the result of their own innate criminal propensities, and not the result of an understanding or belief on their part that you, as the ultimate beneficiary, would approve, albeit in silence and secrecy.

Even if one suppresses these grave suspicions and accepts the view that these violations of honor, decency and law took place without the slightest knowledge or indication of approval on your part, one cannot escape the other horn of the dilemma. Such an explanation of what has happened can only mean that you have proved yourself, by sheer administrative incapacity, unfit to hold any post of governmental responsibility. Two members of your Cabinet, selected by you, are under indictment; the interim head of the FBI, appointed by you, has resigned under fire; you yourself have dismissed the legal counsel that you appointed and that you put in charge of the Watergate investigation; you have found it necessary to accept the resignations of the two top members of the White House staff in the light of mounting evidence of involvement on their part. To record these facts (at the same time assuming that you are innocent of any complicity) is simply to say that you have proved yourself an utterly incompetent judge of men and an utterly incompetent administrator. You have lavished high offices upon unworthy men and you have been unable to keep track of, let alone control, the things going on in the executive offices of the President, under your immediate control.

The nation faces grave domestic problems, which can be successfully handled only by an honest and honorable body of public servants. You have been unable to maintain standards of this kind for your immediate, personally selected staff. How can we trust you to set the tone for the government as a whole?

The nation must deal, in foreign affairs, with the shrewdest of the world's leaders. A few, at least, may be as devious and underhanded as the Deans, the Haldemans, the Ehrlichmans, the Mitchells, the Magruders, the Segrettis and the rest, who have (if your own excuses are to be believed) hoodwinked you under your very nose. Can we safely trust the fate of our country in a dangerous world to the management of a man so blind and so unwary?

To alter slightly the concluding words of your Checkers-II speech of the 30th of April: God help America!

Yours, as in duty bound,

ARTHUR BESTOR

13 May, 1973

The writer is professor of history at the University of Washington; sometime Harmsworth professor of American history at Oxford University; sometime Fulbright visiting professor of American history at the University of Tokyo and author of *Interpreting and Teaching American History*.

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Hunt delivered additional Ellsberg material to the CIA. The final product was given to the White House staff in November 1971.

And *that* wasn't all. According to the FBI, from December 1971 to June 1972, Hunt and Liddy "traveled extensively around the United States contacting former CIA employees for the purpose of setting up a security organization for the Republican Party dealing with 'political espionage.' " Only three names of CIA retirees have been publicized; each refused to participate. But Barker and three other Cubans on the Watergate break-in team had worked for CIA, and one of them reportedly was still on the active CIA payroll when arrested. Shortly before leaving this year for his new post as ambassador to Iran, Mr. Helms was asked by the Senate Foreign Relations Committee in closed hearings whether there had been any CIA connection with the Watergate. He replied that he had nothing to contribute.

Dean was able to get CIA into the cesspool up to its ankles, but he appears to have got acting FBI Director Gray into it up to his knees. Pat Gray got his job because he was a Nixon crony. Therefore when on June 28, 11 days after the break-in, Dean in Ehrlichman's office handed Gray papers which he said had come from Hunt's safe and would be political dynamite if disclosed, the loyal, bewildered Gray took it to mean that eventually he should destroy them. That act by itself made him party to the cover-up, though he was the one charged with investigating the original break-in and bugging. The record is unclear on what happened during the early days of that FBI investigation, but it is certain that initial delays permitted the destruction of records. For example, although Liddy's telephone number at the Nixon committee was listed just below Hunt's White House number in one of the books seized with the Watergate burglars on June 17, no effort was made to interview Liddy's secretary, Sally Harmony, until June 30, two days after Liddy resigned. In a recent deposition, Mrs. Harmony stated that on June 28 she destroyed her notebooks containing dictation from wiretaps of the Democratic National Committee telephone. (Nixon Treasurer Sloan had destroyed the records of cash transactions including payments to Liddy, on June 27.)

There were also what can be termed investigative lapses. Gray claimed in his Senate confirmation hearing that both the FBI and the telephone company thoroughly checked Democratic headquarters for bugs immediately after the break-in. They found none. On July 10 Alfred Baldwin, the man who listened to the bugged telephone, had told FBI agents that two had been planted—one on Democratic official Spencer Oliver's phone—which worked—another on Party Chairman Lawrence O'Brien's phone, which didn't. The FBI never went back to check Oliver's phone for a bug until September when O'Brien disclosed its presence. The second bug apparently was not recovered until recently when Watergate conspirator James McCord, in grand jury testimony, told prosecutors in exactly which of O'Brien's extension phones he had placed the bug.

At his confirmation hearing Gray denied there had been any White House interference. Subsequently he admitted that on July 6, 1972, he called the President's attention to such interference. Initially Gray told the senators he could find no files on wiretaps of newsmen or White House aides. His successor, Mr. Ruckelshaus, got from the White House the logs of these taps and commented that FBI records were "ambiguous" on whether Gray was aware of them. Finally Gray told the senators that the materials from Hunt's White House safe had been turned over to the FBI. He didn't say he himself had destroyed some of that material.

At one point in the Watergate trial, a prosecutor asked Jeb Stuart Magruder, deputy director of the Nixon campaign, if he had ever told Liddy how to conduct the "legal" intelligence gathering he was undertaking. Magruder was the man, according to Sloan, who suggested that Sloan perjure himself by saying he had given Liddy not $200,000 but around $40,000. "I made it clear," Magruder replied in court, "to all employees they were to carry themselves in a manner which would be of a positive nature towards the President. . . . We were very concerned about being sure that the activities of our committee were handled in a legal and ethical manner."

All these operators had one thing in common: great freedom to spin their webs as they wished. For the most part they thought themselves accountable to no one but themselves—not to the general public (for that would rip apart the web of confidentiality), not to any standard of ethics and legality, not even to the Congress. So far as the FBI and CIA are concerned, congressional "oversight" has been a euphemism for not knowing, not wanting to know, what's being done in the dark. If recent events awaken the legislators to the perils of such evasive irresponsibility, something will have been gained.

The Harding Scandals

The responsible and personally honest leaders of the Republican Party eight or nine years ago were confronted with the worst corruption which had disgraced the national government for 50 years. I do not say that they failed to prosecute the guilty. I do say that they exerted the whole force of their well-disciplined partisan power to smother an awakening of the public conscience and to escape the retribution which their party had earned. In this they succeeded, and the effects of their success continue to demoralize our public life. Their success was based on the discovery that if the party under attack does not reply, the attackers soon exhaust their ammunition, bore the voters and lose heart themselves.

WALTER LIPPMANN, *October 28, 1931*

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Case Dismissed

The Pentagon papers and Watergate cases converged—had converged it is now apparent as early as 1969, before either existed—and though the Watergate case is still going strong, it has driven the Pentagon papers-Ellsberg prosecution to a startling and final conclusion.

For some weeks, Judge William Matthew Byrne, Jr., presiding at the Ellsberg trial, pulled out of the government, memo by memo, affidavit by affidavit, tooth by tooth, details of a cops and robbers game that the White House played in the Pentagon papers case when it first broke in 1971. The cops and the robbers were the same people, the Watergate people. They were not caught, as the President was pleased to say on television, in a contest between zeal and judgment with the former overcoming the latter. It was a contest between stupidity and lawlessness, both prevailing at once. Hard to come by as it was, the information eventually reached Judge Byrne that acting under instructions from one of John Ehrlichman's deputies, and with CIA's assistance obtained by Ehrlichman, those two vicious clowns, Hunt and Liddy, organized a burglary of the offices of Ellsberg's psychiatrist in Los Angeles.

At this stage the government had the burden of proving to Judge Byrne that nothing it had learned about Ellsberg by illegal means had played any role, however slight or tangential, in the conduct of the prosecution. It was a heavy burden, but conceivably it could have been met.

Then came the disclosure that broke the back of the case. The White House and John Mitchell, it turns out, had caused the FBI to tap the phones of all sorts of people as far back as 1969, ostensibly to guard against leaks of classified national security information. No court warrants were obtained. The procedure had not, as of then, been definitely held to be illegal, but it has been since, by the Supreme Court as Mr. Nixon himself has reconstituted it.

Among those who had their phones listened in on were some Washington newspapermen and White House staff members, including at least one member of Henry Kissinger's staff. The extent of the tapping and the nature of the material gathered could not readily be determined, the government told Judge Byrne, because the records could not be found. But a phone call made by Ellsberg was among those that had been overheard. That being the state of affairs, with records not available, the government was not possibly in a position to demonstrate to Judge Byrne that evidence obtained by wiretapping now definitely known to have been illegal had played no role in the prosecution. With this revelation, the case was finished, and Judge Byrne dismissed the indictment.

A couple of days later, the missing records were found in lawyer John Ehrlichman's White House safe. Mr. Ehrlichman was then still in the White House (helping the "transition," it was explained), riding to grand jury hearings in a White House limousine. He could not have been unaware of Judge Byrne's request for the documents, or the importance of the request. Yet he said nothing. The newly discovered records might have enabled the government to divorce Watergate from the Pentagon papers and thus cause Judge Byrne to let the trial proceed. But by then it was too late.

The Ellsberg case is over. Watergate meanwhile opens wider and wider. What seemed like hysterical, overwrought charges made years ago that John Mitchell's Department of Justice and Richard Nixon's White House were using police state methods become increasingly credible. Nixon's men came to office, as Stewart Alsop has perceptively said, in a warlike spirit, intent on treating the opposition as if it were a foreign enemy. The only consolation is the evident capacity of the American political and judicial system to hold them to account.

Congress on the War

When the House Democratic caucus last January passed a bold resolution to end the war, we were skeptical. We wondered how wide the writ would run, and said we'd have to wait to "find out how this resolve translates into votes." We're beginning to find out. The House voted by a fairly wide margin on May 10 (219-188) to cut off supplemental funds for bombing Indochina. The proposal was offered in a pair of amendments to a reduced transfer-of-funds bill (reduced in committee from a request of $500 million to $430 million). The bill would allow the Defense Department to divert this sum from its intended purpose to some other alternative, but the amendments rule out bombing as one of them. The key section, sponsored by Rep. Joseph Addabbo (D, NY), had earlier been thrown out by the Appropriations Committee (31-14), but when it reached the full House a few Republicans and many Democrats who formerly had stuck by the administration changed sides and put it through. For the first time, the House acted to end US military involvement in Indochina. The Senate Appropriations Committee last week approved the amendment, then passed by 24-0, an even stronger clause cutting off all money for the bombing, both old funds and new. Senate approval is expected soon.

The revelations of Watergate no doubt have something to do with the changed mood, but the President's failure to come up with a legal defense, or even a convincing pragmatic case for continuing the air war is equally responsible. The key to the power shift in the House appears to be in the new antiwar attitude of senior Democrats who run the committees. Nine-

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teen who previously stood with the administration changed sides on May 10. The Democratic Study Group feels that some credit for this shift should go to reforms it sponsored, such as the initiation of caucus meetings and adoption of a firm party resolution on the war. A pre-vote caucus in this case was particularly effective; only 22 members indicated they would go against the party line, and they did so by not voting. The DSG points out that although the anti-bombing amendment picked up 10 new Republican supporters in the crucial test vote, it lost them on the final motion, which passed by the narrow margin of 194-187. Republican leader Gerald Ford (R, Mich.) called them to heel. The DSG says this shows how important Democratic unity was.

Both Speaker Carl Albert (D, Okla.) and Majority Leader Tip O'Neill (D, Mass.) voted against the war in the January caucus, in the steering committee and again on May 10 in the vote to limit the transfer funds. Other powerful congressmen who voted against the bombing were Wilbur Mills (D, Ark.), chairman of the Ways and Means Committee, Thomas Morgan (D, Pa.), chairman of the Foreign Affairs Committee, Chet Holifield (D, Calif.), chairman of Government Operations and Melvin Price (D, Ill.), chairman of Ethics.

Shortly before the vote was taken, Elliot Richardson stepped in to say that no matter what the outcome, the administration could promise no end to the bombing. The arrogance of that statement angered Majority Leader Mansfield, who said in turn that, "If the will and intent of Congress are not adhered to then we will face a true constitutional crisis." Richardson was not asked until last week what he thought of another anti-war amendment, the Case-Church proposal that absolutely forbids military action in Indochina without congressional approval. When the question came up in his Senate confirmation hearing on May 14 (this time as attorney general-designate), he said that if such a bill were passed, he would advise the President to stop the bombing.

It is worth noting the dimensions of the bombing, as depicted in Pentagon figures. A Defense official told Congress that in the period between the signing of the peace accords (January 27) and May 1, US forces bombed, shelled, paid salaries for bomber pilots and lost equipment in Indochina costing a total of $258 million. This includes 145,919 tons of explosives dropped over Cambodia and Laos, in an average of 227 bomber sorties each day. (A truce covering Laos was signed February 21, but the bombing continued.) Three planes have been lost—a small observation plane, an F-4 fighter and a "communications" spy plane—and along with them, 11 crew members. Nine of these men are reported to have been killed; two are "missing."

Since the administration has given notice that nothing short of a cease-fire in Cambodia or an outright legislative ban will stop the bombing, Congress must decide whether to take the next step. That would mean passing something like the Case-Church bill, which has become an amendment to the State Department authorization for the next year. This bill was chosen as a vehicle because the President would hesitate to veto it. The Senate Foreign Relations Committee attached the amendment by a vote of 13-3, a decision the Senate is expected to confirm, but which the House will treat more roughly. Rep. Jonathan Bingham (D, NY) and Rep. Robert Nix (D, Pa.) have introduced corresponding bills, the Bingham resolution being the more likely to get through. It is identical to the Case-Church plan, except that it would not prohibit aid to the North Vietnamese. Offering it as an amendment to the State Department authorization may not work, though, because Rep. Wayne Hays (D, Ohio), a solid administration man on the war, is chairman of the subcommittee that writes the bill. He would reject the amendment, and the full committee would be loath to override him.

The second difficulty in getting the Bingham resolution approved is that the House forbids amendments that aren't "germane." In a strict sense, therefore, an anti-bombing amendment might only be attached to a bill dealing with military funds. For these reasons, Bingham may choose to offer his plan as an independent bill. If this fails, and other routes are also blocked, the House may still be forced to accept an anti-bombing clause in conference. This means that the President has a good deal of time left. But Congress has shown that it won't wait forever.

The New Legal Services

Although the Legal Services Program is currently funded by OEO, the President's budget message last January called for spinning it off to a new corporation. The idea was not novel. In the last years, various bills were introduced in Congress to establish a National Legal Services Corporation to supervise and fund the 900 poverty law offices around the country that are now under OEO. The hope was that the quasi-public corporate form would root the program into our system of justice, and insulate it from state and local political interference. Congress twice approved the idea but was blocked by the White House. Congress would have set up a virtually independent board of directors, leaving poverty lawyers about as unrestricted as private lawyers in the representation of clients. The administration sought full control over all directional appointments and major restrictions on staff lawyers' activities. The initial legislation was vetoed in December 1971, and a second bill was abandoned by a House-Senate conference last summer.

After these defeats, the forecast for an independent Legal Services Corporation was cloudy. The President,

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previously an outspoken supporter of the concept, appeared no longer interested. Rumors out of the White House since January indicated that a special revenue-sharing approach might be applied to Legal Services, which would have been a disaster since control would have passed to the very politicians who have been hounding the program. To Mr. Nixon's credit, he has rejected this approach and now offers a bill substantially similar to the one he put forward two years ago. Once again he has called for a permanent corporation to provide legal services to the poor in noncriminal cases as "a permanent and vital part of the American system of justice."

Congressional backers of an independent corporation, including Sen. Walter Mondale and Rep. William Steiger, have their own bills, but Congress and the administration are closer to agreement this time than before. Pressure by bar associations and poverty groups for a Legal Services Corporation is strong. With OEO facing extinction, there is no other place for Legal Services to go if it is to survive. All sides agree on the basic functions and objectives of the corporation, the concept of direct federal funding, and the availability of records and reports to the Congress and public. They further agree that gubernatorial veto over projects in a particular state should be eliminated—a provision that the President would cushion with state advisory councils.

There are some features of the administration bill, however, which could be improved. For example the Mondale-Steiger provision for representation on the board of directors of eligible clients and former poverty lawyers would assure a valuable contribution from these sources. Composition of the board is important since the policies that it sets and enforces will largely determine the effectiveness of the programs across the country.

The administration bill would unduly restrict staff lawyers. No one would deny that their conduct must conform to the ethical standards set in the Code of Professional Responsibility, and that project funds must not be used for political or illegal purposes. Still, there is no reason to prohibit a lawyer from appearing before a legislative body on behalf of a client at the client's request, or to bar a lawyer from any political activity in his private, nonprofessional life. Such restrictions in the administration's bill raise ethical and First Amendment conflicts.

The administration bill apparently mandates that 10 percent of its funds be spent on "judicare," which involves the handling of poverty cases by private lawyers who send their bills to the government, even though this has been shown to be costly and inefficient. Representation of a child under 18 is not permitted without parental consent, which could pose problems in child-abuse cases.

Finally an extraordinary provision requires that anyone who successfully sues the Corporation or any grantee to enforce any part of the act, must be paid all his costs and legal fees by the Corporation. This would encourage any disgruntled opponent to tie up the program in counterproductive and frivolous litigation and divert substantial amounts of the Corporation's funds and energies away from the delivery of legal assistance to the poor. There are already statutes for recovery of court costs by a prevailing party, and federal judges have the power to award attorneys' fees where appropriate. The interests of justice and the purposes of the Legal Services Corporation are best served by omitting any special requirement on costs and fees, leaving this to existing procedure.

With Congress and the administration in harmony on the need for a Legal Services Corporation, it should not be difficult to resolve the remaining differences concerning its structure and powers. Meanwhile Congress should move swiftly to continue present-level funding until this is accomplished.

Half a Loaf

One of the perils of the "new federalism" (more power to the states) is that the poor may get the short end of the stick, for they are every government's least influential constituents. Washington measures poverty by a single statistic. It first estimates the average cost of a minimally adequate diet for a family of four: a man and woman with children aged eight and 11. The cost of this "economy food plan" multiplied by three equals the "poverty line." In 1970 the line was drawn at $3968, but inflation raised it to approximately $4450 for 1973.

On May 7 the Senate Select Committee on Nutrition and Human Needs released a staff report, *Hunger—1973*, which concludes that while some advance has been made in the "war on hunger" we're a long way from victory. One-fifth of the nation lived in poverty 10 years ago; today it is one-eighth or, to be more specific, 26.7 million people are below the poverty line. Last year an Agriculture Department official told the committee that "the [hunger] gap is closed" and that "there is little excuse today for any family in the United States to be without resources for sufficient food." The staff report suggests otherwise.

Although federal food assistance for the poor has nearly tripled in five years, almost half (48 percent) of the poor still do not receive adequate food. In human terms, this means that 12.7 million people who ought to be getting either food stamps or commodities have not been. Part of this failure can be attributed to the states and counties that have been inept administrators, but some of the blame must be laid at the door of the Agriculture Department. Although the states run the program, the Food Stamp Act requires the secre-

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tary of Agriculture to review state distribution plans to be certain that "the state agency shall undertake effective action . . . to inform low-income households concerning the availability and benefits of the food stamp program and *insure the participation of eligible households.*" (Italics added.) The statistics suggest that haphazard distribution schemes in some states deprive many poor people of food assistance. Instead of providing the supervision and resources to reach the 12.7 million who are entitled to food stamps and commodities but are not getting them, the Agriculture Department, notes the staff report, did not use "some $700 million of food assistance funds made available by the Congress" last year.

In 1968 a citizens' board of inquiry into hunger and malnutrition identified 280 counties where hunger was a serious problem. A "hunger county" was one which had more than 40 percent of its population below the poverty line *and* less than 25 percent participation in food assistance programs. Using more stringent criteria (25 percent or more population below the poverty line and 33 percent or less of the poor receiving food assistance), the Senate committee now identifies 263 hunger counties—17 less than in 1968. One hopeful sign was that 230 of the original hunger counties were no longer in that category. "They may still be poor," notes the report, "but they no longer get a failing grade in food assistance." Conditions in some of the 50 remaining hungry counties have gotten worse.

Direct comparisons of urban and rural poverty are often invalid. In agricultural regions many poor people grow their own food or are the beneficiaries of surpluses given them by more prosperous neighbors; city-dwellers are almost completely dependent on what they can buy at local grocery stores. Urban-rural distinctions, however, cannot account for the substantial variances between neighboring states or counties of similar demography. West Virginia, for example, has 32 poverty counties while its neighbor to the southwest, Kentucky, has 61. West Virginia has no hunger counties and none where food assistance to the poor covers less than 33 percent of their numbers, but Kentucky has 14 hunger counties and 20 others where less than 33 percent of the poor receive food assistance. In Texas, which has 67 poverty counties, the committee noted a striking discrepancy between adjacent counties: "Dickens County, Texas, has a 95 percent food program participation level and over 25 percent of the population in poverty. King County, which borders it—and has almost identical economic, geographic and population characteristics—has no food program of any kind."

There are seven counties in the United States today without food assistance programs: one each in Idaho, Nebraska, Oklahoma and Texas and three in Colorado. One of the latter, Pitkin County, Colorado, is relatively prosperous because of large revenues and property taxes derived from Aspen, a major ski resort and summer tourist mecca. Every summer Aspen holds a music festival which attracts concert artists from all over the world, but the county has apparently been unwilling to administer federally funded food stamps for its 700 poor people.

Beaufort County, South Carolina, was in the news several years ago because of the hunger and starvation found there. Perhaps because of this publicity, hunger is thought by many to be a rural and predominantly Southern problem. Much of the rural South is poor, but some of the most impressive gains in food assistance have been made there. Beaufort County, for instance, while it still has a large poor population (29 percent), is now feeding 61 percent of its poor—9 percent above the national average. Mississippi has 73 poverty counties, but only three are hunger counties and another three (not poverty counties) have less than 33 percent participation by the poor in food assistance. *None* of Mississippi's 1968 hunger counties is still so classified. Across the river there has been little progress; Arkansas has 28 hunger counties, all new to the list within the past five years.

The Midwest, Great Plains, Southwest and Rocky Mountain regions provide the least food assistance for their poor people. Kansas is the worst; a meager 24 percent of its poor get food assistance. Five other states are rated at 30 percent or below: Nebraska, North Carolina, North Dakota, Virginia and Wyoming.

If nutrition for the poor is to improve, citizens will have to demand it from their local politicians. For its part, Congress will have to keep its eye on the Agriculture Department and press it for more diligent oversight of those states that have failed to administer properly the programs Congress has funded. Above all, Congress has to keep its eye on the White House. With an estimated $700 million earmarked but unspent on food stamps and with President Nixon's plan to save $136 million over the next two years by cutting back on milk programs for school children, the administration's strategy for the war on hunger begins to look like a retreat.

Congress and the Budget

The courts have not yet determined whether the practice of presidential impoundment of moneys appropriated by Congress is constitutional. In recent cases, though, they have held that the legislative branch has the power to mandate spending, the only question being whether it *did* mandate spending in the particular case under review. The recent Missouri highway trust fund case, for example, was simplified for the court by the fact that the Federal Aid Highway Act forbids impoundment for any purpose unrelated to that of the statute. The highway lobbies and their

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friends on Public Works were wise to use plain English in that Act. But most appropriations statutes aren't written this explicitly, and judges are reticent about reading the mind of Congress where Congress has not been of a mind to make its meaning clear.

A good example of that judicial reticence is the district court decision requiring the Environmental Protection Agency to "allot," *but not spend*, the full $6 billion authorized by Congress to clean up water pollution. Overriding a presidential veto last fall in a dramatic night session, Congress, it would seem, could not have expressed its will less ambiguously. But the bill's sponsors, it appears, meant EPA to have considerable discretion to spend below the $6 billion limit. So Judge Oliver Gash of the US District Court in Washington, DC, ordered the government to go through an initial, mathematical exercise of allotting each state all the money EPA could potentially grant for sewage treatment, but he declined to say that EPA must approve grants up to the sum allotted—even if the state projects meet all the substantive criteria for funding.

These presidential impoundments can't go on being litigated case by case or statutory section by section. What then is to be done? The Senate has twice voted to limit the executive's power to impound and has put its own ceiling on the federal budget. Senator Ervin wants Congress to approve each impoundment by affirmative resolution in both Houses. Under Rep. George Mahon's formula, now being considered in the House Rules Committee, the impoundment would take automatic effect unless the Congress interposes a veto. Given the press of business and the frequent inertia of one or both houses, Senator Ervin thinks the Mahon measure is "worthless."

Conventional wisdom has it that the only effective response to impoundment is a congressionally set budget ceiling. (Senate Democrats, just to prove how fiscally responsible they are, voted a ceiling $700 million below the President's.) Prodded by that wisdom, a Joint Committee on Budget Control, set up to head off the impoundment challenge last fall, recommends two new budget committees, one in each house, which would fix a spending limit and allocate priorities within that limit.

The two new super-committees would have dictatorial powers over the budget. Two-thirds of the committee members would be the leaders of the most powerful and establishment-minded committees in Congress—Appropriations, Finance and the Ways and Means Committees. The remaining third would be appointed, not by the party caucus which traditionally makes committee assignments, but by the leadership.

The rest of Congress might as well not vote, for there is no practical way the super-committee's work could be challenged from the floor. It would present its budget one month after receiving the President's, on a crash-basis. That probably would mean no open hearings. Members would then have one week to examine the committee budget, and without the benefit of a hearing record prepare amendments. Debate would be limited to 30 hours, barely enough time to comment on the priorities, much less reallocate them.

But the real nightmare, as Senator Mondale has pointed out, is that any amendments would have to be "consistent" with the ceiling: any motion to jack up one line in the budget would require an equivalent decrease from another line in the budget. Thus to raise a health item, the legislature would have to lower a defense item or something else. Social programs would be pitted against each other, those who favor education being forced to fight among themselves while their opponents hold the winning hand—joining in the cuts and opposing the increases. The sub-ceilings set by the proposed committee would take a two-thirds vote to override. Rather than engage in that kind of "parliamentary crap-shoot," as some congressmen now call it, they would prefer to take their chances with Roy Ash.

If congressional control of the budget is weak now, it is not primarily because the institution of Congress is inherently weak. It is because the heavies in the House and Senate pretty much accept Mr. Nixon's view of our needs and capabilities. That is the heart of the problem. The chairmen of these spending and taxing committees—Wilbur Mills and George Mahon in the House, Russell Long and John McClellan in the Senate—have enough power among them to shove government along a new track. That is not their intention, and their seconds-in-command are such counter-budget antiquarians as Jamie Whitten in the House and Herman Talmadge in the Senate. The ranking Republicans in charge of the budget—Herman Schneebeli, Milton Young, and almost everyone from Nebraska—are well to the right of Nixon. The budget problem is real but it is political, not mechanical.

The Servant Problem

The indignity of it! Imagine a general having to shine his shoes, wash his car, walk the dog. Think of his poor wife. Without servants she would have to shop at the commissary, cook the family meals and babysit. Who would mix the martinis and serve the canapés?

Fortunately the American taxpayer has taken care of the military's servant problem. According to a report of the General Accounting Office, $22 million a year provides enlisted aides to generals, admirals and a few navy captains. Most get only one valet, but more are assigned as the officer moves higher in rank—each added star often means another enlisted servant. The GAO survey of a quarter of these aides found that more than 75 percent said the "brass boss" required

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them to shop, cook, serve meals, clean house, play bartender and run errands. Others were laundrymen, chauffeurs and pet groomers.

The army's rationalization is characteristic: "The presence of enlisted aides permits both the general officer and his wife the degree of freedom necessary to carry out wide-ranging, never-ending, demanding and sensitive functions essential to leadership in the military community." What these functions are is left to the imagination. Presumably they involve other members of the military community, all of whom—but the general—would have washed their own car, shined their shoes and fed the dog before or after attending the necessary functions.

According to a Department of Defense table, said Senator William Proxmire (D, Wisc.), "generals and admirals make the equivalent of $51,000 a year when various benefits are figured in." Still, money isn't everything. With Army Chief of Staff General Creighton Abrams at his side, Secretary of the Army Robert Froehlke told the House defense appropriations subcommittee: "It doesn't make sense for him [Abrams] to hurry home at 5 pm and mow his lawn and spade his garden." Doesn't it? Would we be worse off if the military spent more time tending its own garden?

Second-Term Strategy

Arms for What?

The President's fourth annual review of foreign policy, released more than three months behind schedule, was washed off the front pages by disclosures of malfeasance in the White House. The lack of attention may not have been inappropriate, for there was little "news" in it. The 146-page document largely points with pride to the accomplishments of the past four years. Yet there are some aspects of it that deserve mention in light of the shifts in the nuclear equation resulting from the Moscow arms agreements.

Strategic forces—offensive missiles and bombers and defensive radars, missiles and aircraft—are still positioned at the center of our security. The question is how much is enough. Although the administration blows hot and cold on the Soviet military menace, less and less is heard of the danger of a crippling Soviet first strike. This is partly because facts to support such fears are hard to come by (scarcely an impediment to extravagant rhetoric in the past, however), and also because the President desires to be praised—justifiably so—for his successes in negotiating the SALT agreements. The desire is a refreshing contrast to Mr. Nixon's recent firing or consigning to oblivion of virtually all senior officials who had been part of the SALT negotiations. Ambassador Gerard Smith, former director of the Arms Control Agency and chief SALT negotiator; Spurgeon Keeny and Vice Admiral J. M. Lee, both agency assistant directors; Lt. Gen. Roy Allison, representative of the Joint Chiefs of Staff at SALT; and Raymond Garthoff, State Department expert and chief of staff of the SALT delegation—all have been removed. Their replacements are in many cases on record as opposed to the concept of deterrence and to reliance on national technical means of verifying compliance—two basic principles of the ABM Treaty. The staff of Senator Henry Jackson, chief opponent of the arms agreements, claims credit for the changes.

The heart of the ABM treaty was its built-in guarantee of mutual deterrence; neither nation could acquire an anti-ballistic missile system which could blunt a retaliatory blow by the other. Unfortunately the administration has not capitalized on this guarantee. The Defense budget is significantly higher this year than last (see "Budgetary Shell Game," *TNR*, March 31, 1973). All of the old pre-SALT projects are still on deck—more MIRVs (multiple warheads which can be aimed at separate targets) on Minuteman and Poseidon missiles, crash construction of the new giant Trident submarine, development of the B-1 bomber, and even ABMs for which expenditures of additional billions are sought, some for systems banned by the ABM treaty itself! Hundreds of millions are being requested for a "hard site" ABM lodging hundreds of interceptor missiles, whose deployment is forbidden in the agreement.

With respect to MIRVs the President holds to the double standard of his previous State of the World messages: Soviet MIRVs are dangerous and destabilizing, but US MIRVs are not. Nearly four years after Mr. Nixon first misleadingly reported Soviet tests of multiple warheads that could threaten our Minuteman ICBMs, the Russians have yet to test their first MIRV.

This year the President can only worry that in the future their new missiles "may well carry MIRVs with accuracies which would increase the vulnerability of of our land-based missiles, thus jeopardizing the current strategic stability." Against that assumption one must place the fact that for the past five years only the US has been testing and deploying MIRVs, and that MIRVs can be regarded as the primary threat to fixed, land-based ICBMs. Mr. Nixon wants still more MIRVs on both Minuteman and Poseidon. He likewise asks for funds for more advanced reentry vehicles (the Defense Department has again budgeted $95 million for this purpose) although, because of the Moscow treaty, no additional warheads or penetration aids are needed to overwhelm Soviet ABM defenses.

Mr. Nixon does express some optimism about the success of the second round of SALT, and he rightly emphasizes the dangers in unconstrained technological development. New weapons can generate new threats to the retaliatory forces of the other side, thus

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creating a premium on striking first. While highlighting this risk, Mr. Nixon nevertheless strongly supports the "modernization" of strategic forces on both sides. That is the barn door through which the Pentagon weaponeers are galloping. The President, Henry Kissinger and Secretary of Defense James Schlesinger, must come to realize that as long as we allow replacement of existing weapons whenever a technological benefit is promised, the arms race will continue and security will always be at the end of the rainbow.

In the President's two previous messages he alluded briefly to the desire for some other less catastrophic and therefore more credible deterrent to aggression than all-out nuclear destruction of cities and populations. At no point, however, were the practical implications of this concept elaborated. In the 1973 message he goes somewhat further. He seeks a broad choice of nuclear options in the unlikely event that an aggressor might choose to employ atomic weapons selectively, in limited numbers for limited objectives. Lack of flexibility, he believes, might tempt an aggressor to such use of nuclear weapons. Can't it be argued that nuclear weapons would be used in a limited way against the US or its allies in view of the tremendous power of our nuclear arsenal? And is it less likely that an aggressor would use nuclear weapons if he thought we might retaliate in a limited, rather than in a devastating way? Aren't the risks of escalation from a limited nuclear war so great that all efforts should be bent toward reducing its acceptability? Would not the acquisition of weapons designed specifically for "warfighting" rather than deterrence lead to accelerating the arms race and raise the chances of their actual use?

For the first time in his annual review, President Nixon does say that greater flexibility "does not necessitate any drastic change in our nuclear programs." He recommends "improving facilities for command and communication to control our responses." That could have been obtained long ago by a presidential directive to our Strategic Air Command to devise flexible planning instead of the present SIOP (Single Integrated Operational Plan) calling for massive retaliation. Control will be further improved when missiles are provided with a rapid retargeting capability through the so-called Command Data Buffer System, which outgoing Defense Secretary Richardson says is now being installed at all Minuteman bases.

But the greatest boon to increased flexibility has come from the ABM treaty, which has made it possible for our strategic forces to destroy a limited number of Soviet military targets, such as command centers of ICBM launchers, using only a few warheads, without at the same time providing a destabilizing threat to the Soviet land-based missile forces as a whole.

Herbert Scoville, Jr.

Mr. Scoville *has been assistant director of the Arms Control and Disarmament Agency.*

The Nixon Watch

A Searing Wound

One of the few White House assistants who has seen enough of the President in recent weeks to have a worthwhile impression of his mood and manner in private said the other day that Mr. Nixon reminds him of a man who has suffered "a searing wound"—here the assistant swept his right hand across his belly—and is trying to live with and forget the unforgettable pain. Another assistant who has spent a good deal of time with the President said that Mr. Nixon appeared to him to be going through one trauma after another, "peeling off layer after layer and finally getting down to the bitter core of truth."

They were talking, of course, about the pain and the truth of Watergate. It will be observed that such accounts (any accounts at all of Mr. Nixon's private and actual attitude in this time of crisis and dissolution are hard to come by) serve a central White House purpose. The purpose is to support and further the story that the President knew nothing about the evils that "Watergate" has come to encompass until, as he has said, the truth about them began to crash in upon him last March 21. My own belief is that it was not knowledge of the wrongs done by men around him and in his behalf that began to crash in upon him then. It was, the mounting evidence indicates to me, recognition that the involvement of men whose whole aim in life and office was to serve him and do his bidding could not be hidden much longer. Proof that this is so is yet to appear and may never appear. But accounts of the kind to be summarized in this report must be rendered and read, it seems to me, with the assumption that the overwhelming necessity recognized by Mr. Nixon in late March and now driving him and his shaken White House establishment is to save his presidency. Not *the* presidency, let it be noted, but *this* presidency. The institution is safe. This President is not.

A part of the bitter truth acknowledged and acted upon April 30 by the President was that two of his three closest assistants, H. R. Haldeman and John D. Ehrlichman, had to be let go. Much of the available story of how Mr. Nixon has dealt with his situation and reacted to it has to do with his and their behavior in the time just before and just after he accepted and announced their resignations. The news reports that Haldeman and Ehrlichman spent their last days in favor and power fighting for their jobs appear in the aftermath to have been only a portion of the larger and more interesting truth that Mr. Nixon spent the same days fighting to keep them in their jobs. Their functional importance to him and to the Nixon presidency, Haldeman as chief and monitor of the entire White House staff and Ehrlichman as the principal domestic

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adviser, was sufficient reason but by no means the whole reason for him to cling to them. Richard Nixon trusts very few people and he trusted them. They were his friends, and his true and accepted friends are few. It appears now that much of his and their time in happier days was passed in easy talk, hours of it in the intimacy that this most secluded and private of Presidents requires and cannot readily attain. He and they realized, too, that their resignations, however cushioned they might be in the terms of the announcement, would be interpreted as implied admissions of grave wrong and guilt, certainly theirs and possibly his.

Men still in Mr. Nixon's service and others who have served other Presidents say it is inconceivable to them that Haldeman and Ehrlichman should not have said to the President, at some point between late March and the final weekend of decision, that they were prepared to go if he concluded that it was in his interest for them to go. If they did, the fact is unknown to anyone except him and them or, if known to anyone else, has not been divulged. By April 20, when Mr. Nixon repaired from Washington to his Florida home, he had all but concluded that he would have to reject their pleas that they should remain in his service for his and their good. It seemed apparent to him that his statement of April 17 that any White House assistant or any other official in his administration who was proven to have been involved in the Watergate and related scandals would be dismissed and punished in the courts, without hindrance from him, was not enough to quiet suspicion and still the clamor. The few assistants who had some guide to his thinking expected him to announce the resignations when he returned to Washington on April 24. Instead he let Haldeman and Ehrlichman renew their pleas and considered once again an alternative to resignation that he was thought to have discarded. This was that he grant them leaves of absence, without prejudice to them, in hope that they could survive the coming storms and return to the White House; or, if that proved to be impossible, at least defer the onus upon them and him of outright and immediate resignation. Mr. Nixon was still pondering that choice and seeking justifications for it when he took Haldeman and Ehrlichman with him on a brief ceremonial trip to Mississippi. It was only when he returned and retired for the weekend to his mountain retreat at Camp David that he let himself be persuaded again that anything short of immediate resignations would merely prolong the agony and compound the suspicion that he was protecting Haldeman and Ehrlichman in order to protect himself. It is said at the White House that they were still pleading for mercy and time when the President summoned them to Camp David and told them that he was announcing their resignations in a statement the next morning and in a speech that night.

The night of April 30 and the following day, May 1, are remembered at the White House as the absolute low points of the Nixon presidency to date. Mr. Nixon appeared to be shattered, uncertain, confused. A Cabinet meeting the afternoon of May 1 was a depressing affair for all who were there. "He was not at his best" is the most charitable summation of it that I've heard. His reminder that "we have had our Cambodia" and survived it conveyed a sense of more pathos than confidence. He told his Cabinet that Kenneth Cole, who had replaced John Ehrlichman as executive director of the Domestic Council in December, would hereafter be expected to manage and coordinate communication between the President and department heads. Beyond that, he seemed to be groping for ways to fill the huge administrative gap left by the resignations of Haldeman and Ehrlichman. Afterward, he spent a rare hour with Vice President Agnew and had it announced that he expected the Vice President to play a larger and more aggressive part in the business of the Domestic Council and in the shaping of domestic policy than he had previously been encouraged or allowed to play. Agnew at this writing is still awaiting solid evidence that anything much will come of the mandate. Kenneth Cole has conferred with him a few times. There have been some token gestures toward consultation with him on domestic programs and legislation. A Nixon spokesman indicated that Agnew as vice chairman of the Domestic Council would be an active and important figure around the White House from then on. The Domestic Council last met on December 6, 1971. Its work is done in small committees and by staff groups, and there is a detectable lack of enthusiasm for bringing the Vice President and his recently reduced staff into this activity in any regularized and effective way.

The first evidence that the President was snapping back from his depression was the reappearance at the White House of General Alexander M. Haig, Jr., who had been Henry Kissinger's deputy on the NSC staff and in January had become the army's vice chief of staff. Mr. Nixon brought him back to replace Bob Haldeman for awhile, pull the battered White House staff together and study ways in which it might be reorganized. The President then flew off to Florida again, and the testimony of his assistants is that the stay did wonders for him. What probably did the most for him was a visit with John B. Connally, the Nixocrat who had just turned Republican and celebrated the event with a trip to Key Biscayne. Connally agreed to join the White House staff as a part-time, unpaid "special adviser." He stuck to the agreement after a barrage of press inquiries about the manifest conflict between his interests as a Texas lawyer for oil and other businesses and his policy role at the White House forced him to withdraw from his law firm and from sundry corporate boards. It's assumed at the White House that Connally will have a major role both in policy formulation and in reorganizing the place. No doubt he will, but my guess is that Mr. Nixon

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wanted and invited him back because he's somebody the President can talk to with confidence and in intimacy, thus filling that part of the need once met by Haldeman and Ehrlichman. If the Nixon-Connally partnership also promotes John Connally's hopes of being the next President, so much the better and so much the worse (Mr. Nixon must reflect) for Vice President Agnew.

The same sort of press-room carping that dogged Connally out of his law firm and directorships hastened the final departure of Bob Haldeman and John Ehrlichman. They continued to turn up, between appearances before a grand jury and sessions with the staff of Senator Ervin's Watergate investigating committee. They stayed on the payroll. They used White House cars. Ehrlichman still had the use of his West Wing office (General Haig had moved into Haldeman's office, and Haldeman was said to have temporary quarters in the Executive Office Building next door). What they did at the White House, before the daily questions raised about them in the press room led to the announcement that they went off the payroll on May 18, was something of a mystery. The little learned about it makes a sad story. FBI and Secret Service agents guarded their files. Bob Haldeman, lately second only to the President in prestige and power, had to submit to searches before he left his temporary office. When he wanted to dictate some memorandum notes for one of his grand jury appearances, he was required to let a Secret Services agent listen. It was said that Haldeman was visibly hurt but took it well. John Ehrlichman spent some of his last days and hours at the White House in conference with Kenneth Cole, advising him on how to handle his expanded functions as a coordinator of domestic affairs and as a communicator between the President and the heads of domestic departments and agencies. Mr. Nixon let it be known that he expects hereafter to deal directly with his Cabinet secretaries in a way he never has. But it is well understood at the White House that Cole and the five assistant directors of the Domestic Council are to handle most of the President's business with the concerned departments and agencies. Mr. Nixon expects future demands upon his limited time and patience to be held pretty much to the prudent minimum that they have been held to in the past.

Watergate and its associated troubles didn't go away, of course. Henry Kissinger, hitherto immune, was discovered to have tolerated and used, if he didn't request, FBI taps on the telephones of some of his NSC assistants. This was neither as scandalous nor as extraordinary as news accounts made it appear and it caused very little surprise and discomfiture within the NSC staff. But the disclosure disturbed Kissinger and contributed its bit to the dominant note at the Nixon White House in mid-May. It was a note of apprehension, of deepening awareness that the worst of Watergate is yet to come and that Richard Nixon cannot be as certain as he wants to appear to be that he and his presidency can survive it.

John Osborne

What Made Accommodation Possible?

David Bruce in Peking

by Stanley Karnow

Peking

When Ambassador David Bruce landed here last week to open the new United States liaison office, the Chinese initially accorded him a courteous but muted welcome. There were no speeches, no flowers, no brass bands. He was met at the airport by an assistant foreign minister and a protocol officer, and his ritual arrival statement was conspicuously innocuous. Declining to elaborate on the specific focus of his mission, Bruce said merely that his aim is to "improve relations between our countries." Predictably the Chinese media reported the event in a single sentence. Although Bruce saw Foreign Minister Chi Peng-fei two days later, the tone of their meeting was low-key.

This lack of fanfare was deliberate and prearranged, for the United States and China have not yet established official diplomatic ties but are still, at this stage, in the process of forging a link. Thus Bruce could only have been greeted in subdued style. Yet his assignment to Peking is extremely significant. On the one hand it is a major step toward formal Sino-American relations. At the same time it reflects the profound change in Chinese foreign policy that has made this

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unique accommodation with the United States a reality.

The US liaison office here and its Chinese counterpart now being set up in Washington are not embassies or legations. Although their staffs will enjoy immunity and can fly flags, neither mission will be listed in the diplomatic registers of the two capitals. Nor will Bruce or General Huang Chen, who is due in Washington soon, operate officially in an ambassadorial capacity. The arrangement, in short, is extraordinary and probably unprecedented. It is also testimony to Chinese flexibility.

Despite their consistent refusal to function anywhere near Chiang Kai-shek's representatives, the Chinese nevertheless conceded to open an office in Washington, though a Nationalist chancery will continue to exist there. And despite the ambiguous status of the American diplomats in Peking, the Chinese have been making special efforts to get them started here. Workers currently are engaged in a crash program to construct an office for the US mission as well as living quarters for Bruce and his wife. The Chinese authorities have also permitted American C-141 cargo aircraft to lift furniture, automobiles and other equipment from Guam into this city. The Bruce mission will include six marine guards because, as one member of the staff put it, "American missions abroad always have marine guards."

Besides displaying the US emblem, the American mission here will deal mainly with cultural exchanges and trade matters. The cultural field is expanding rapidly, and hardly a week passes without Chinese and American groups either departing for the United States or arriving here. The Americans touring China within the past month have included teams of doctors, dentists and, of all things, Shirley MacLaine leading a delegation of liberated women. David Rockefeller is arriving here this week, presumably to discuss banking with the Chinese, and it is estimated that more than 100,000 other Americans have applied for visas at the Chinese embassy in Canada alone. A prestigious assortment of Chinese editors and information officials left for the United States the other day. Commercial activity is also escalating. Boosted by the sales of Boeing aircraft for China's planned international airline, US exports to the Chinese this year are expected to be about $300 million. The Chinese are reported to be discussing oil exploration projects with American companies.

The US liaison office may become marginally involved, too, in the problem of thawing $78 million in Chinese assets frozen in the United States and satisfying about $195 million in claims by private American firms for property confiscated by the Communists after they took over in 1949. The largest claimant is Boise Cascade, which is trying to collect $50 million for the nationalization of the Shanghai power company. These claims have to be settled before Sino-American trade can run smoothly since US claimants may demand that liens be slapped on Chinese merchandise entering the United States.

It is fair speculation that President Nixon appointed Bruce to the Peking post for two primary reasons—to signal to the Soviet Union that the United States considers the Chinese connection to be important, and to compel China to respond with a diplomat at least equal in stature. Huang Chen, the Chinese choice for Washington, is actually higher-ranking than Bruce within his own hierarchy. Formerly envoy to France, he is the only Chinese ambassador who belongs to the Communist Party central committee. The prospect is, therefore, that most of the critical political business will be handled in Washington directly between Huang and Henry Kissinger. It is also probable that Kissinger will visit Peking a couple of times a year.

Although Nixon tried to persuade the Chinese to open liaison offices during his China trip last year, it was not until this February, when Kissinger came here, that they finally agreed. Their earlier reluctance was evidently based on their feeling that they could not establish mutual missions as long as the Vietnam war was being waged. It was no coincidence, then, that Kissinger arrived in Peking three weeks after the cease-fire agreement was signed in Paris. Proclaiming that liaison offices would soon be opened, the communiqué that followed Kissinger's four days of talks with Chou En-lai declared that "The time was appropriate for accelerating the normalization of relations."

In fact, the Chinese had been edging toward a rapprochement with the United States since Nixon took office in early 1969, and their movement in that direction mirrors fundamental shifts in their view of the world. This view is intricately related to their appraisal of the changing positions of the United States and the Soviet Union and the effects of those changes on them. After the Russians launched Sputnik, Mao Tse-tung estimated that the then cohesive Communist bloc had achieved parity with or perhaps even superiority over the United States. "The east wind prevails over the west wind," he announced by way of arguing that the moment was at hand for the Communist states under Soviet leadership to adopt a tougher stance toward the United States and its allies. But Khrushchev rejected

COMING: inexpensive pills in costly bottles—how the drug companies overcharge the sick

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that thesis and the strategic debate between Peking and Moscow rapidly degenerated into an ideological dispute and later a national conflict. As a consequence, the Chinese have been largely preoccupied since the beginning of the 1960s with the rise of the Soviet Union as a new and more poisonous species of imperialism that they call, in their jargon, "social imperialism." In their eyes, the growth of Soviet imperialism has been confirmed in the military build-up in Siberia, the invasion of Czechoslovakia, the expansion of Russian influence in South Asia and more recent attempts by the Kremlin to win over Japan. These and other acts have turned the Soviet Union into China's enemy number one. A *People's Daily* article last September asserted, for example, that the Russians of the 1970s are the Japanese of the 1930s.

Judging from their statements, meanwhile, the Chinese appear to believe that the United States is slipping into decay, and they are currently citing an old line of Mao to the effect that American imperialism is sitting on a "volcano" of "irreconcilable domestic and international contradictions." They base this assessment on the US failure in Vietnam, American monetary crisis, racial problems in the United States and, most recently, the Watergate scandal. In other words, they no longer perceive the United States to be a serious threat to China. And while they appreciate the importance of American power, they seem to hold that it can be directed against the Soviet Union and hence to their advantage. They observed this plainly during the 1971 war between India and Pakistan, when China and the United States were aligned by an identity of interests against the Russians. Or as a strategist here wrote not long ago: "The imperialist countries have no way of reconciling their conflicts in contending for world hegemony . . . their bitter rivalry provides favorable conditions for the victory of the revolutionary people."

All of this suggests that the Chinese are pursuing a policy of flexibility—without having abandoned their conviction that, over the long term, history is on their side. And that explains why David Bruce is now cruising through Peking in his black Chrysler Newport and why American marines are jogging up and down Chang An Boulevard to the baffled amusement of local citizens.

The Courts Are Worse than Anybody Thought

Justice in Philadelphia

by James Steele and Donald Barlett

Criminal courts have always occupied one of the dark corners of our government. Presided over by politically appointed judges who have been rewarded for faithful service to their party, run by ambitious prosecutors eyeing higher office and staffed usually by party hacks whose performance is measured more by the number of votes they turn out on election day than by the job they do at the courthouse, the courts have often been more preoccupied with politics and patronage than with justice or efficiency. Almost everyone is unhappy with the courts and agrees they desperately need reform. But the courts may be in far worse shape—practicing subtle, wide-ranging forms of discrimination and routinely dispensing unequal justice—than even their harshest critics would have guessed, if the experience of one city, Philadelphia, is in any way typical.

A seven-month investigation by *The Philadelphia Inquirer* has revealed a grim picture of "justice" in the nation's fourth largest city. Blacks are more likely to be convicted of a violent crime if the victim is white rather than black. Blacks are sentenced to longer prison terms than whites for committing violent crimes. Persons convicted of committing crimes in businesses are dealt with more severely than defendants convicted of crimes committed in the home. And one of every four persons arrested and charged with a serious crime, who is later acquitted, serves time in jail because he can't post bail.

But discrimination alone does not illustrate the extent to which the courts have subverted justice. The study found that regardless of an accused's race, judges consistently imposed widely varying sentences on

James Steele *and* Donald Barlett *are reporters for* The Philadelphia Inquirer.

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defendants with similar backgrounds who were convicted of similar crimes.

The *Inquirer* findings are based on information taken from more than 1000 cases of violent crime in 1971—murder, rape, aggravated robbery and aggravated assault and battery. Reporters traced from beginning to end the cases of 1034 defendants charged with at least one of the four major crimes of violence in Philadelphia. The information from the cases—some 100,000 individual pieces—was then punched on 9618 IBM cards and fed into a computer. The study produced the traditional statistical tables showing the outcome of cases by age, race and sex of the defendant. But it also included dozens of more subtle comparisons, charting variations in the handling of cases by black and white judges, Republican and Democratic judges and from the standpoint of the race of the judge, defendant and victim.

Philadelphia Mayor Frank L. Rizzo, who has built his political career on a law and order plank, regularly blames "lenient" judges for the city's soaring crime rate. District Attorney Arlen Specter has followed a similar tack and advocated restoration of the death penalty as a crime deterrent. The judges have responded mostly by calling for more judges, more courtrooms and more resources. In addition to challenging many of those assumptions about the courts, the study also reached conclusions that seriously question some of the more widely held beliefs about the operation of the criminal courts and their influence on crime.

For example police, prosecutors, judges and law and order advocates periodically warn that a series of US Supreme Court decisions handed down in the 1960s—*Miranda, Escobedo, Mapp*—decisions that spelled out the rights of a suspect, are turning loose hardened criminals and contributing to the rise in crime. The *Inquirer* found, however, that except for a few notable exceptions the Supreme Court decisions have had no effect on the outcome of properly prepared and properly prosecuted criminal cases. In fact more persons charged with serious crimes are released because of faulty investigations and prosecutions and other assorted foul-ups in the court system than as a result of Supreme Court rulings.

Another frequently debated question—what effect, if any, have long sentences on crime rates?—could not be answered one way or another because judges have not been imposing long sentences for some time. In isolated cases where long sentences are imposed they are seldom served. (A long sentence was defined as five years or more.) Although the defendant had a prior record in 78 percent of the cases in the *Inquirer* survey, several dating back to the 1930s, many for other serious crimes, fewer than a half dozen had served more than five years on one offense.

Neither did the study turn up any evidence to support the popular notion that drug addiction has been a major cause of the crime increase. While many offenders contended they committed crimes to support a drug habit, many also admitted or their police records showed that criminal activity predated use of heroin. Indeed in one case a defendant admitted that he became addicted to heroin while on probation for an earlier armed robbery.

But possibly the most surprising finding that runs counter to popular notions about the courts is this: In Philadelphia offenders who plead guilty to violent crimes are more likely to be sentenced to longer prison terms than offenders who are found guilty by a judge or jury. It is widely believed, of course, that persons who plead guilty, often as part of the plea-bargaining process, are treated more leniently than those who request a trial. The computer study showed that persons who plead guilty and are sent to prison receive terms of more than one year in 60 percent of the cases, while persons who are found guilty by a judge or jury are sent to jail for more than one year in only 36 percent of the cases. A standard statistical test established that there is little chance—generally less than one chance in 1000—that the statistical differences occurred by chance alone.

The greatest myth of all, however, is that the courts strive for equal justice. The study showed there are two kinds of justice in Philadelphia—one for blacks and one for whites; one for persons under 30 and one for persons older than 30; and one for black offenders whose cases are heard by black judges and one for black offenders whose cases are heard by whites. Among the more notable examples:

► Blacks who plead guilty of committing a violent crime or are convicted are sent to jail in 64 percent of the cases compared to 42 percent of the cases for whites. In other words blacks who are guilty are placed on probation in 36 percent of these cases while whites guilty of similar crimes are placed on probation in 58 percent of the cases.

► Blacks who plead guilty or are convicted of a violent crime are sent to jail for seven months or longer in 69 percent of the cases while whites are sentenced to prison terms of that length in 49 percent of the cases.

► Blacks accused of serious crimes against whites are found guilty by judges of the major charge against them in 49 percent of the cases, compared to 37 percent of the cases when both the offender and victim are black.

► Persons under 30 who plead guilty or are found guilty are sent to jail in 65 percent of the cases; persons 30 and over who plead guilty or are convicted of a violent crime are sent to jail in 48 percent of the cases.

► Persons who are convicted of crimes in businesses receive a jail sentence in 73 percent of the cases. But persons who are guilty of crimes in the home are sent to jail in 55 percent of the cases.

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► Men who are guilty of such offenses are sent to prison in 64 percent of the cases, while women are sent to jail in only 21 percent of the cases.

► Black defendants are found guilty by white judges of the major charge in 42 percent of the cases. Black defendants are found guilty by black judges in 32 percent of the cases.

It has long been known that courts operate under two different value systems in imposing sentences in white-collar and street crime cases. Corporate officials who embezzle thousands of dollars often are placed on probation while street criminals who rob a corner store of $10 usually are sent to prison. The *Inquirer* study found that sentence disparity in Philadelphia is just as great a problem within the violent crime category itself as between violent crime and white-collar crime. The cases of two youths—both 20 years old, both with prior criminal records and both charged with purse snatchings—are typical. One youth tried to snatch the purse of a policeman dressed as an elderly woman, part of the Philadelphia police department's "granny" patrol aimed at reducing street muggings. The other youth actually jerked the purse off the arm of a 56-year-old woman, inflicting a serious arm and shoulder injury that later required surgery. The youth who robbed the policeman was sentenced to 1½ to five years in the state prison; the youth who robbed and injured the older woman was sentenced to 11½ to 23 months in the county jail.

This disparity arises because of the diverse ways individual judges, each operating in a vacuum without much knowledge of the kinds of sentences being imposed by fellow judges, view criminals and certain types of crimes. For example some judges treat narcotics offenders leniently while others impose stiff penalties in drug-related cases. Some judges are impressed if a defendant expresses remorse and says he loves his family. Some judges are impressed if the defendant says he is not on welfare. Some judges treat Puerto Ricans leniently if they promise to return to Puerto Rico.

As in other court systems, Philadelphia's judges, many the product of ward politics and whose jobs are dependent on the support of their party at election time, are free to impose criminal sentences within very broad statutory boundaries. Judges historically have resisted any effort at reducing that power. They claim that only the sentencing judge, often relying on confidential reports, can in the final analysis tailor the appropriate sentence to fit the criminal and his crime. But this long-standing argument has been losing ground in view of the widespread inequities plaguing the present system. "I think it is a horrible, shameful part of the system and it is something that we have because everybody is afraid of hurting the judges' feelings," says Professor James Vorenberg of the Harvard Law School. He disagrees with the present system that gives judges vast discretionary power to sentence. "I think it's all part of the notion that a judge is some sort of omnipotent, all-wise person and everything we know about judges tells us that's not so. They're just like the rest of us."

In most cities judges don't even get information on the types of sentences that fellow judges, who are part of the same court system, are imposing. And in most cities there are no procedures for mandatory review of sentences that are overly harsh or lenient. In short the system operates without guidelines, without internal review and without accountability to the public.

But disparity is only part of a much broader problem: the lack of central control and direction in the courts. This is not simply a managerial flaw that reduces efficiency and wastes money. For unlike basic industries that produce cars or steel, the courts deal exclusively with human beings. And when the system breaks down, people pay the price.

Among the problems in Philadelphia caused by this lack of direction is the inability of the system to differentiate between habitual offenders who spend much of their lives in trouble with the law and persons arrested for crimes for the first time. Habitual offenders, wise in the ways of the system, frequently get out of jail on bail soon after they are charged with a crime and commit additional offenses while awaiting trial. Many innocent persons who have been arrested for crimes they didn't commit sit for months in jail unable to post bond while awaiting trials that will clear them.

Angus Williams, a one-time South Carolina sharecropper who was decorated for heroism in the Pacific theater in World War II, was one such casualty of the courts, a man who started through the criminal justice system as a defendant and emerged its victim. A construction laborer, Williams was arrested and charged with the street robbery of a 66-year-old retired machinist in November 1971. The victim tentatively identified Williams as his assailant, but even a superficial investigation by authorities would have cast grave doubt on the identification. The victim claimed he was struck on the head and roughed up. But Williams was released from a hospital only 10 days earlier for treatment of a collapsed lung and was still under a doctor's care at the time of his arrest. He sat in jail for five months unable to post $3000 bond. Eventually he was acquitted and even his accuser now concedes the wrong man was jailed. That is of little consolation to Angus Williams, for he lost everything—his job, his apartment, his belongings—in the five months he spent behind bars. While in jail unable to pay his rent, Williams' landlord moved all of his possessions out of his North Philadelphia apartment and onto the sidewalk. Everything Angus Williams had accumulated in 57 years was tossed out—clothes, furniture, pots and pans, a window fan, television set and personal papers. And within no time, the sidewalk was picked clean by neighbors and passers-by.

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Stanley Kauffmann on theater

Sunshine Boys

A few months ago I was questioning the professional nay-saying of some highbrow film critics (*TNR*, Sept. 16, '72). Now I'd like to look at a reverse phenomenon—professional yea-saying by theater critics, some of whom are also nay-saying film critics. It's curious that among those who criticize both film and theater, judgment is usually much more rigorous with film. Perhaps, consciously or not, they feel that the theater needs bedside sympathy and encouragement.

Whatever the reason, most theater critics, for all publications, can be seen as a band of Sunshine Boys (and Girls) who do a lot of Positive Thinking about American playwrights and have been doing it very noticeably in the last decade or so. The result is almost always a painful graph. A new playwright of small talent is hailed by them as a big talent, gets an inflated reputation, and then, with future work, gets deflated. The decline is never the playwright's "fault" or pretense; he never *was* as good as he was said to be by others. But he is put in the false position of having disappointed the very critics who overpraised him to begin with, of having "fallen off," they say, when it was they who put him up where he should never have been.

That process—very sad for the writer—is beginning to happen yet once more in the case of David Rabe. His first two plays, produced in 1971 and 1972, got much praise and many awards. Now it's 1973. His latest play, *The Orphan*, was recently produced at the Anspacher, and the critical consensus was that this writer of exceptional gifts had slipped somewhat and had written a play that didn't "work" (the current most popular critical cant word). To me, the play was merely infested with the disease that had been evident in the two earlier ones.

The Basic Training of Pavlo Hummel was one more good-hearted sentimental undergraduate play about the horrors of war—this time Vietnam—showing a simple-minded joe being savaged by vast cruel powers, using stale expressionist fantasy and even staler rhetoric to prove its humanitarianism and high-mindedness. Then came *Sticks and Bones*, which was at least a mixed bag. A blind Vietnam veteran returns to his home and is such a moral nuisance that his family induces him to commit suicide. The family stuff, done in sharp pop-art style (the parents were called Ozzie and Harriet), had good smiling bitterness; but the soldier's purple speeches and the device of his phantom Vietnamese girlfriend were straight out of Playwriting 435 (Permission of Instructor Required). The pop elements gave me some little hope for Rabe, which the new play drastically deferred. In *The Orphan* he opted completely for the purple prose, without let-up or remorse, the kind of rhetoric that brings a tear to the eye of a third-rate playwriting instructor. The disease hasn't just recently struck Rabe, it is now simply unopposed.

Rabe took the Oresteia myth and, to make sure we got its modern application, interwove elements of Mylai and the Manson murders. These modern instances were so undigested in the script that they only intervened between us and the central myth. But what made the play ludicrous (the only word) was the language. Eugene O'Neill had trouble enough updating the Greek story in *Mourning Becomes Electra*. Rabe, trying to confront and embrace its grandeur, was like a child at an organ: his feet couldn't even reach the pedals and his tiny fists could only beat out windy squalls.

Just one sample of the language. Clytemnestra Two—for some metaphysical reason too deep for me there were two Clytemnestras—said early in the play: "When there is a thing of silver in flight, I am dirt." When you hear a good actress like Rae Allen speak lines like that, all you can feel is compassion for the very hard profession of acting, not critical impulse. And for the gifted director Jeff Bleckner, the same compassion. What patterns of movement and of speech could legitimately be evoked from this script? All Bleckner could do was to invent stuff to do *to* it.

So I won't review the production and am not really reviewing the play either. For me, it simply justified and underscored the fear I had about Rabe from his earlier work. His one apparent avenue to effective writing led through anti-grandness; his critical reception in general led him to think—or anyway didn't discourage him from thinking—that he is equipped for the grand. Now those who myopically encouraged him can no longer blink at the bankruptcy; after the praise, now come the tsk-tsks. I don't mean that once having praised him they were obliged to go on praising him forever; I mean that *The Orphan* is not much different from or worse than the work they praised; and now they have to know it.

Diatribes against the state of theater criticism are usually romantic. When

(continued on page 33)

Films Worth Seeing

Cabaret. Slick musical, remotely connected with Isherwood's *Berlin Stories.* Michael York better than Liza Minnelli, which is one of the things wrong with the film. But Bob Fosse directs smartly.

The Discreet Charm of the Bourgeoisie. Luis Buñuel, seventy-something and something to marvel at, plays slyly with middle-class corruption.

The Emigrants. Jan Troell photographed and directed, Max von Sydow and Liv Ullmann perform, one of the best chronicle films—about 19th-century Swedes coming to the US.

Last Tango in Paris. A lot of it is adolescently stark and sententious, but the early Brando-Schneider sex scenes are powerful.

Memories of Underdevelopment. Fascinating, sensitive Cuban film about a bourgeois intellectual in the first days of the Castro revolution.

Payday. The last 36 hours in the life of a country-music star, played pungently by Rip Torn. Pleasantly different from some recent pretentiousness, it's more serious than it seems.

State of Siege. Fictional re-creation of the Tupamaro abduction and murder of an American official in Uruguay, 1970. Questionably objective, but generally gripping.

SK

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Oedipus the King

Greek Tragedy and the Watergate

At the same time that the Watergate stench was rising in the United States, my wife, our child and I were motoring through Greece, on our way to see the theater at Delphi. In order to reach this breathtaking sanctuary along the Sacred Way from Athens, you must first drive through Thebes, past Mount Cithaeron, and over the Triple Way, a famous junction of roads near Delphi where, according to legend, Oedipus dragged Laius from his chariot and killed him, after his stranger-father had first struck him in the face with a whip.

All of these places are mentioned in Sophocles' plays and it is remarkable how some familiarity with such locations enhances one's appreciation of Greek tragedy (Aeschylus' *Agamemnon*, to cite another example, is much more comprehensible after a visit to the palace at Mycenae). Yet in some odd way the breaking of the Watergate scandal at the time of the trip was just as helpful as geography in dramatizing the cogency of *Oedipus the King*, since it shares with the action of the play certain unmistakable parallels as well as several disturbing differences.

In Sophocles, Oedipus, at the peak of his fortune as head of state, learns that a crime-induced plague is polluting his city and decides to cure it by determining the identity of the person responsible ("Whoever he may be, whether he did the deed with others or by himself alone . . . it were a wrong to leave the guilt unpurged . . . and all have sinned that could have searched it out and did not"). Through remorseless investigation he finally discovers that he himself is the source of the city's plague, having defiled Thebes by unwittingly killing his father and marrying his mother; and acting as his own justicer, he stabs out his eyes and exiles himself from Thebes forever. Oedipus' character is his destiny. The very qualities that motivated his original deed—pride, honor, anger, impatience—are those that transform him into a tragic figure, one who both prosecutes and judges his own crime.

The comparisons with Watergate are obvious, if not odious. Richard Nixon, also at the peak of his fortune after a landslide victory unique in American electoral politics, is finally forced to concede that a plague of quite another sort is corrupting his country and declares that he will cure it by bringing the criminals to justice ("I want you to know beyond a shadow of a doubt that, during my term as President, justice will be pursued fairly, fully, and impartially no matter who is involved . . . There can be no whitewash at the White House"). But instead of starting a thorough investigation he does everything within his substantial power to obscure the truth—probably because, like Oedipus, he may himself be the defiler of the land. What he creates through such evasions as executive privilege, suppression of evidence, muzzling of witnesses is suspicion about himself, contempt for his office, and corruption in the very palace of justice, since his administration has used the investigative agencies of the nation not for exposing crime but rather for helping to commit it. Three milennia after Oedipus, character is still destiny. The very qualities that motivated the original deed—ruthlessness, deceptiveness, power lust, contempt for the law—are those that characterize the later efforts to cover it up.

The contrast between the ways King Oedipus and President Nixon behave in similar circumstances says much about the deterioration of statecraft and the disintegration of personal honor in American politics. But although the present story lacks a hero in high office, the truth has managed to emerge regardless; and the satisfaction one feels at this cannot be explained only as glee over Nixon's discomfiture. For me the Watergate scandal is a striking confirmation of the assumptions of dramatic art, particularly the concept of poetic justice, for it proves (using the same compressed economy we find in the most powerful plays) that the qualities of man are ultimately decisive in ordering his fate. Oedipus, blind when he saw, plucked out his eyes as a judgment on his visionlessness. Nixon, whether he stays in office, resigns, is impeached, or banishes himself like Oedipus, will undoubtedly remain benighted, a prisoner of his character. Still, in this affair, justice has regained its poetry, and what the Greeks called *hamartia* has once again functioned as an agency of the moral life. The ancient rubble of Greece, merely a pile of climbing rocks for my nine-year-old son, remains the embodiment of necessary myths—myths that operate still in our lives while rebuking the age with their power and example.

Robert Brustein

Origins

Humble origins are as American
as violent pie:
centerfielders sprout in ghettoes,
scholars blossom on Appalachian ranges;
Morrison the birdwatcher bred pigeons
on his tenement roof.

Now they have discovered psychedelic mushrooms
growing in manure in Florida
(the cows become self-conscious from the crowds).
A truly American story
and the lowly cowturd has taken its place
beside the log cabin
as the sacred fount
of inspiration and the dazzling dreams of youth.

PETER MEINKE

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Literate, Witty, Civilized

The World of Apples

stories by John Cheever
(Knopf; $5.95)

Forever Panting

by Peter de Vries
(Little, Brown; $7.95)

I don't know what goes on in the minds of very young people, but to most of us grown-ups there comes a sense, very often, of having started our lives amid the outlines of a civilization and having watched them melt away, leaving a featureless desert; quite a suitable environment for prayer and meditation, and also for nameless crimes, but very unfavorable for the practice of ordinary virtues such as tolerance or unselfishness. Goodness knows, the crumbling away of values has been going on for 200 years, but anyone born, as I was, in the 1920s did at least grow up with the feeling that, though metaphysical guidelines had vanished, social ones remained; even though we didn't "believe in God," we accepted a system of values derived from Christianity and our emotions attached to these, so that we recognized love, courage, self-sacrifice, generosity, as virtues and cruelty and meanness as vices. This gave a meaningful basis for action; World War II, for instance, was fought not just from nationalistic competitiveness but from a desire to rid the world of Auschwitz and Buchenwald, the swastika and the goose-step; from the point of view of the new morality, the worship of "alienation" as a principle and the fierce-eyed preaching of meaninglessness and negativism, it is impossible to see how these things could be judged adversely, let alone resisted at the cost of one's life. Can we, in fact, go on inhabiting the planet unless we have something to believe in? As the English critic A. E. Dyson has remarked, "The notes of despair, negation, absurdity, suffering now echo through our literature; and it is probable that when loyalties to everything outside the self have been successfully banished, loyalty to the self will finally fail." In which case, goodbye Charlie.

Mr. Cheever tackles this problem very directly; most directly of all in his title story, "The World of Apples." This tells how an old and famous poet, loaded with honors and near the end of his life, was overwhelmed by an obsession with sexual and defecatory dirt and finally managed to shake it off. The story is told simply and unpretentiously, with nothing much in the way of invention and without the little fanciful melismata that so often enliven the other stories in the book. The old poet has always associated himself with sanity and strength. Of the five other poets of his generation with whom he has customarily been grouped, four committed suicide and the fifth died of drink. He himself has avoided making this kind of mess, not out of adherence to any positive system of belief such as a religion, but just from a personal conviction that it won't do.

> Poetry was a lasting glory and he was determined that the final act of a poet's life should not—as had been the case with Z—be played out in a dirty room with twenty-three empty gin bottles. Since he could not deny the connection between brilliance and tragedy he seemed determined to bludgeon it.

The story is an account of how the poet almost lost that balance and ultimately recovered it. One day a visitor takes him for a trip into the forest. He steps aside from the path to relieve himself and stumbles on a couple making love. The sudden sight puts in motion a train of thoughts and images which he cannot stop. It is not just that he broods on copulation: it is that his broodings are uniformly obscene—what we would call, if the word still had any meaning in the world rigged up for us by the Andy Warhols and the Ken Tynans, "dirty-minded." It is a real crisis; it calls into question the whole of his life's achievement, which at his age he cannot possibly go back over and rework. He has written a famous volume of poems, *The World of Apples* (the Frostian association is obviously quite intentional, even insistent) in which the qualities celebrated are those of sun and air and freshness and soil and patient ripening; the old poet is shown as living in a country villa in Italy, and indeed his imaginative world seems to be that of Virgil in the Georgics. His poems celebrate "the welcoming universe, the rain wind that sounded through the world of apples." Now suddenly these things seem unreal. Has he been a dupe, his life wasted on things which appeared interesting only because of the angle at which they were posed?

> What was it that he had lost? It seemed then to be a sense of pride, an aureole of lightness and valor, a kind of crown. He seemed to hold the crown up to scrutiny and what did he find? Was it merely some ancient fear of Daddy's razor strap and Mummy's scowl, some childish subservience to the bullying world? He well knew his instincts to be rowdy, abundant, and indiscreet and had he allowed the world and all its tongues to impose upon him some structure of transparent values for the convenience of a conservative economy, an established church, and a bellicose army and navy?

At this point, presumably, the most characteristic denizens of the world of today would answer with an emphatic Yes. As they would see it, the old man has at last seen the light of revelation and unchained his Id, liberating it from the domination of Ego and the even more villainous Super-Ego, who between them are responsible for this tribe of monsters—the economy, the church and the armed forces. It may be a little late in the day, but not fatally so, since he is not impotent (the story specifically says that, to try to restore his mental balance, he has intercourse with his housekeeper, who "was always happy to accommodate him"). Presumably there is more rejoicing in the priapic heaven over one sinner who repents than over half-a-dozen saints; this must be one of the sources of the crusading zeal behind contemporary porno-eroticism, where it is not simply concerned with making money.

Mr. Cheever's answer, on the contrary

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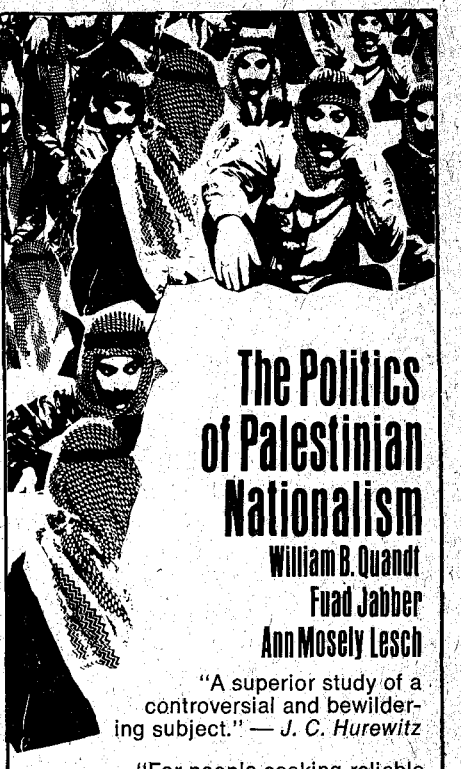
(and I think we are here definitely required to contravene D. H. Lawrence's maxim and identify the "artist" with the "tale") is an equally emphatic No. To him, the poet's collapse into dirty-mindedness is that and nothing more. It is something to be climbed out of, like a depressive illness. The exact steps by which he climbs out of it are, in my opinion, less memorable than the fact that he is determined to climb out, and his inventor, the author, is determined that he shall. If I were in a niggling frame of mind I could even find fault with the way the story is resolved. The old poet hears from his housekeeper about a sacred statue in "the old church of Monte Giordano," the statue of an angel which has the power to purify men's thoughts. He undertakes a pilgrimage to the statue, carrying with him the customary gift; the load begins to lift, and on the way home he comes across a cold, deep hillside stream and suddenly remembers how he saw his father, a Vermont farmer, bathing in such a stream as an old man like himself. He does the same, "bellowing like his father," and seems "at last to be himself." Liberated, he spends the remaining months of his life writing "a long poem on the inalienable dignity of light and air." And the story unequivocally represents this as a happy ending.

I find this story extremely interesting. Not that it is, as an example of literary art, as good as some of the other stories in the volume. But the fact that Mr. Cheever has chosen the title of this story for the masthead of the whole book, and has placed it last in the volume (traditionally a point of emphasis), combined as it is with the air of conviction, of getting down to bedrock, which pervades it, brings the tale firmly into the foreground. Mr. Cheever is *saying* something, and he is evidently not afraid of being laughed at by people who accept the notions currently "in." If you showed this story to the kind of person who keeps the box office happy at the Theater of Total Copulation and Public Masturbation, he or she would have a great deal of superior fun at the expense of such worn-out steps to regeneration as the shrine in a church and the immersion in cold water. Weren't "cold baths," he or she would recall, one of the two bastions against self-abuse in the English public school, the other being "long walks"? And where did it all lead except to frustration, leading in turn to the economy, the church, the army and the navy? We are here in the presence of a genuine difference of opinion, a real fork in the road at which the individual has to declare a choice. Personally I am happy to cast my vote with Mr. Cheever's. His protagonist is not a prude or, in the limiting sense, a self-denier; the episode with the housekeeper is presumably brought in to establish this, and in case it is still in doubt Mr. Cheever has him turn over the pages of Petronius and Juvenal and approve of their "candid and innocent accounts of sexual merriment." What he doesn't do is reach down his well-thumbed copy of the Marquis de Sade's *Les 120 Journées de Sodom* and read the hallowed pages once more, exclaiming reverently over the Divine Marquis' fearless devotion to truth and the scandal of his martyrdom at the hands of a hypocritical society. He doesn't, in other words, equate "sexual merriment" with the infliction of pain, the reduction of other human beings to objects which must be systematically maltreated and destroyed in the search for self-fulfillment. He tries to reconcile the sexual instinct with "the rainy wind that sounds through the world of apples" rather than with "alienation." And in this he surely shows a tenacious hold on human wisdom.

My excuse for devoting so much space to this one story in Mr. Cheever's col-



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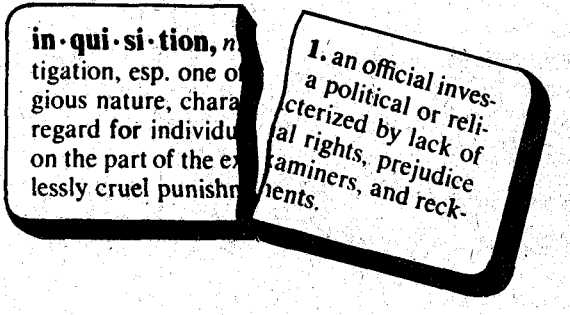

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lection is that it sets the keynote. There is another story just as bedrock and affirmative—and, purely as a story, better written and more convincing—called "Artemis, the Honest Well Digger," which is nothing more nor less than a study in innocence, an attempt to hold our attention with the portrayal of a man with no harm in him. It succeeds brilliantly, in part because of the deftness with which the hero is shown against the backdrop of just about every kind of evil the modern world abounds in—situation follows situation in a rapid and economical series, so skillfully projected that, though Mr. Cheever of course contrived them, they don't seem what one calls "contrived."

Now, because Mr. Cheever has written a volume of stories which tend to show people as being motivated by old-style feelings like love and loyalty and kindness and consideration for others and protectiveness toward the weak (*e.g.*, children), one doesn't want to represent him as preaching. It is merely that every work of art, like every creation of any kind, comes out of a system of values and preferences, and this is a book by a gifted and established writer which doesn't, for once, seem to come out of negativism, alienation, despair of the human condition and frantic self-gratification in whatever horrifying ways suggest themselves. One meets people in everyday life who have these old-fashioned values, and perhaps the shortest way to convey the rare quality of Mr. Cheever's book is to say that here, for a wonder, we have a modern work of literature in which people behave as decently as they generally do in real life, rather than behaving like sick fiends.

By chance, a new novel by Mr. Peter de Vries arrived on my desk at the same time as Mr. Cheever's stories, chance's favored instrument being the literary editor of *The New Republic*, who must have picked these two out of the mass of new books as having something in common. Of course they do; not merely the surface qualities that one would expect (both are literate, witty, adult reading like books written for civilized grown-ups rather than play-objects for delinquent adolescents) but a shared sense of values that is genuinely heartening.

I would always rather read a book by Mr. de Vries than not read it; he has long been one of my favorite writers—unfailingly funny, inventive and wide-awake; he has a satirist's beady eye on social and personal foibles but manages mostly to avoid the rancorous flavor that most satire indulges in; he is astringent, but not venomous. That being so, I trust Mr. de Vries' admirers will not be too offended if I go on record with the opinion that *Forever Panting* is not one of his best books—though it keeps near enough to his usual standard not to disappoint the de Vries addict. The central character is an actor, intelligent and dedicated but not much of a success in his profession; he is in his 30s, has a wife in her 20s and a mother-in-law in her 40s. Well, almost a mother-in-law; the story explains that the woman in question is not really his wife's mother but a relative who brought her up after the mother's death and is always addressed as "Mother" and so thought of. The plot concerns the hero's sexual and matrimonial involvement first with the daughter, then with the "mother," then with the daughter again. Plus, of course, a great deal of episodic matter and much penetrating incidental observation of people and *mores*. What impresses me particularly, coming to it fresh from a reading of *The World of Apples*, is that Mr. de Vries' hero is also a man with scruples, with decency, with respect for other people. In the opening scenes of the book, recognizing that he experiences lust toward his mother-in-law, he does not simply set about devising ways to satisfy this lust—he tries to subdue it, which in terms of the mid-20th-century novel is an almost unheard-of thing to do, and very reprehensible by the standards of our present-day culture in general. His wife has an affair with a horrible advertising man, whereupon he feels free to tangle with the mother-in-law, and does so, presently making an honest woman of her (there's another archaism for you). But the wife, an ex-actress and an aspiring playwright, becomes obsessed with the idea of writing a play about Sir Walter Raleigh, and her ex-husband, who is fascinated by the character of Raleigh and in particular with his rather quixotic relationship with Good Queen Bess, gives her solid help and finally, when the play is being tried out of town and seems ready to sink before it is launched, throws off the mask and becomes her collaborator. This brings them together so that they remarry, the mother-in-law having been conveniently off-loaded on to a local medico (for Mr. de Vries is not out to write the kind of sexual comedy in which people actually get hurt).

The hero's obsession with Raleigh, which goes to the length of causing him to dress in Elizabethan clothes and to be bitterly disappointed when he is not picked for the part in his wife's play—has an obvious thematic significance; it links up with the sense of honor which is so clearly part of his own lifestyle. Any practiced reader can see this quite clearly, without the benefit of that elephantine nudge from the dust-jacket; but to see it clearly is not quite the same thing as feeling it on the pulse. One sees the stitching hand at work, cunningly placing this important thread in the pattern, and just for this reason the pattern is slightly less effective. But Mr. de Vries' off-days are better than most writers' on-days, and of course I recommend his new book—I'd be a fool not to.

John Wain

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Notes on Contributors

Poet Peter Meinke *teaches humanities at Eckerd College in St. Petersburg, Florida.* John Wain*'s latest book is* A House for the Truth: Critical Essays *(Viking). Last year a collection of stories,* The Life Guard, *was issued by the same publisher.* James Walt *teaches English at the University of Maryland.*

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New York Meat-Eaters

Serpico

by Peter Maas

(Viking; $7.95)

Pulp culture leans hard on cop books and mafia books, and now with the Knapp Commission's investigation into police "pads" and pay-offs in New York City, the paperbacks have a new vein to work—the cops *as the mafia*. Such is the stuff of *Serpico*, which is slick best-seller melodrama in the true-to-life style of "the cop who defied the system," but a *real guy*, too, hip to things like the *Village Voice* and karate. Serpico, though the hero of the Knapp hearings, wears love-beads off duty, packs a Browning automatic, has a supermarksman rating, chops through doors and has his choice of "women who would drive readers of *Playboy* into a frenzy."

Despite the movie-like fanfare, Peter Maas seems finally to have one big innocent on his hands—one of the most naive or self-destructive of the "good cops," willing to finger his pals, at first in private to superiors, then to the DA, then *The New York Times*, then go on public record to put cops in jail even at some risk to his life, as a way of fighting what the Knapp Commission found in New York: a system of salaries, not just bribes, paid out by gamblers, bars, restaurants, liquor stores, groceries, crane operators, construction firms and heroin dealers, involving half the force.

In the slang of the force, cops on the take are either "grass-eaters" or "meat-eaters." The "meat-eaters," like many of Serpico's partners, have a take that exceeds their own salaries, which may be either "clean money" coming from numbers and prostitution or "dirty money" from narcotics. The historic line between clean and dirty money, Serpico and Maas believe, is no longer respected, but Frank Serpico is mighty prim about enforcing the laws against both. Some of the other cops, though, were no slouches either, as they hunted down gamblers to get themselves on the payroll. There has always been a nutty notion that cops are latent criminals, anyway. The new wisdom of social science is that they are time-servers like everyone else in government, wedded to their paperwork and their little quotas. As a result of their bad press they are even more conscious than most bureaucrats of being on sufferance in the community, even the law and order part of the community, and so are intensely loyal to each other. Serpico is such an oddity that it may be hard for him to feel what the average-cop-with-a-family wants from the force. A cop, he feels, should be a social worker, not a bureaucrat, though it is significant his own consuming ambition is to bust out of patrol work and make detective. As Maas innocently describes another cop,

> What made him stay was a special quality that every really good police officer seems to possess—an almost boyish delight in playing cops-and-robbers. "What the hell," Cooper once growled, "where else can a grown man have so much fun?"

For weaker imaginations on the force, however, being a cop means simply a rung up on the social ladder, steadier work and more prestige than pushing a cart in a garment center. All Serpico really knows about these other cops is that they have families, but one suspects they are scratching to make it into white suburbanhood. It is these insecure climbers that are sent down to patrol cesspools as bad as those of any civilized country—like the South Bronx, one of Serpico's first assignments. Or if not to police the poor they are dispatched to the affluent parts of Manhattan where they must feel like paid servants of the rich, patrolling "communities" where they could not possibly afford to live themselves. Either way they are mercenaries in a foreign country.

Serpico, happy at first to be in an "action" precinct, can't figure why the others aren't as excited by their good luck. But there is no bonus for patrolling a high-crime area like South Bronx, with three times the case-load of many outlying precincts. There are even penalties for initiative. Police work is pretty

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unsupervised, and every little episode means a stupid piece of paperwork—the family fight, the collision, the dog bite, the false fire alarm and of course the dead body. There is no excitement, just random moments of terror. It is the most aimless of any civil servant's routine, and no one seems whipped up to save South Bronx from anything. "Kid," one officer tells Serpico, "when you're off duty, you're off duty. Say you're driving home some night late and you see this guy breaking into a place. Well, keep driving. Otherwise, the next thing you'll know they'll be asking you what you were doing out at that hour." Another tells Frank when he hears a collision to run the other way.

True, everyone has arrest quotas, but on the forms a good arrest, or "collar," looks the same as a bad assault case. There is no way for superiors to find out how individual cops deal with their assigned neighborhoods day-in and day-out, playing Dirty Harry or St. Francis or maybe just drinking coffee for eight hours. New York cops are famous for "cooping and huddling," that is, sleeping on the midnight shift, sometimes in large groups, sometimes in school basements and movie theaters. During summer days, Serpico says (though this was hard to swallow), they skip work and loll around pools in the suburbs.

There is some hint in *Serpico* that the breakdown of the courts has made law-and-order a waste of time. A few cops work overtime for a felony "collar," they watch in shock as the DA plea-bargains it down to a misdemeanor. In a few weeks the suspect is back on the streets, angry and dangerous. At the same time the detectives steal the credit for their collars, leaving on the patrolman's record a mere "assist." Most cops take it easy, jack up misdemeanors into felonies, figuring they'll never go to trial as felonies anyway, and so meet their quotas, which are the only real measure of their work. It is a system where police have no incentive to make good arrests, much less make friends.

Until Serpico turned informer the "bad cops" did not resent the gung-ho way he did his job. They were perfectly content to let him spin his wheels so long as he and the other "good cops" looked the other way when the graft was handed out. (Most of the "good cops," in turn, were trying to rise to bigger and better things. Unfortunately, without a "rabbi," some friend or relative higher up in the department who can guarantee promotion, there is no way to be noticed except by getting in a blood gun battle.)

The system Serpico defied was not the corruption of his fellows but the indifference of the police "bosses" to it. Once he went outside the police hierarchy, he let himself be pushed from being just one newspaperman's "reliable source" into full-time informer. Informers spend the rest of their lives explaining why they did it. We now expect that these types are usually after immunity for themselves, and it's almost hard to believe there are honest men who doth protest so much. In Serpico's own mind there must be the torment of being, though a "good cop," guilty of the ultimate "cop" crime—betraying the force and all its dirty men not just to a DA but a reporter, in this case David Burnham, whose series in *The New York Times* on police corruption led to the Knapp Commission hearings. The dishonest cops broke the code, but he seems half-aware that maybe he broke one, too. He seems to end the book a guilt-ridden loner, someone who loves cops, hates cops and needs to be a cop in ways too complicated for him to understand.

I came to like Frank Serpico, in spite of the phony build-up he gets, and I also disliked the attorneys, the reporters and investigators who dragged him to do what he felt he had to, and half-wanted to. But reading his story gave me no answers to police corruption. Maybe the answer is a civilian review board, but that has already lost at the polls, where New York's finest are almost invulnerable to attack. Anyway limousine liberals need the police more than the police need them. And on the big-city right, the pols are lost in plans for a hereafter of martial law and out of touch with the here-and-now. *Serpico* needs to be supplemented with a *detached* account of the police mess—but where would that come from? In any event it's a tough and revealing book reminding us there isn't a kid in the South Bronx who doesn't know what's really going on.

Tom Geoghegan

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Of the Blue in Bats' Wings

Flaubert in Egypt: A Sensibility on Tour

translated and edited by Francis Steegmuller

(Little, Brown; $8.50)

Until recently, even in France, bowdlerized versions of Gustave Flaubert's letters created a picture of a recluse who lived to write beautiful sentences. Beautiful sentences by themselves do not masterpieces make nor do beautiful visions either. To write realistic novels like *Madame Bovary* and *L'Education sentimentale*, Flaubert had to remove himself for a reasonable time from the protectiveness of his 18th-century home on the banks of the Seine. He once said that he had been born old and at Croisset he *lived* old before he had run the full course of his youth. Still in his 20s, he wore felt slippers and a white dressing gown from morning to night, and could have passed for a member of a monastic order had he sworn off cigars and shaved his looping mustaches.

Flaubert went to Egypt with Maxime du Camp, a fellow scribbler who dabbled in photography—a novelty in 1849—and proposed to do an illustrated travel book. A Paris doctor had advised him that he needed a change of scene, but it was a stronger jolt than the doctor's that sent Flaubert to the Orient. (Orient was a blanket term for North Africa and the Middle East.) Du Camp and another friend, Louis Bouilhet, had spent four painful days listening to him read the 531-page manuscript of *The Temptations of Saint Anthony*. When the time came to render judgment Bouilhet said, "We think you must burn that, and never speak about it again." Du Camp at least vouched for these words in a memoir written 30 years later and possibly spattered with inaccuracies. In any event Flaubert left it on record that he spent months pulling himself together in the wake of this deadly verdict. His recovery abroad and the fascinating redirection of his gift in travel notes that he regarded as mere exercises—these things establish the Oriental journey as a step forward in his literary career.

Steegmuller has joined notebook jottings and letters Flaubert wrote in Egypt, sundry snippets from du Camp's books, and editorial comments of his own to form a unified picture. Du Camp had large ambitions and minuscule talent and Flaubert's faith in his own superior gifts must have revived as the two young men read their travel notes to each other. Both had money. They could buy comfort traveling the Nile, visiting ancient tombs, exploring caves or crossing deserts. Surrounded by guides and servants, the young travelers suffered no rip-offs from bandits and had their one experience with terror when a camel fell and damaged their only water skins. For a day and more they endured bitter thirst.

If he hadn't first-hand melodrama for his notebook, Flaubert brought with him a scholar's excitement and the eye of a writer so fascinated with novelty that his eight months in Egypt served him for years to come. He interviewed and reinterviewed a Coptic bishop, and came away with 60 pages of notes. Having written of the Sphinx before he had seen Egypt, he felt increasing excitement at the sight of it and checked his speeding horse only when they were yards away. The eyes of the noseless monster terrified him. He acknowledged playfully but convincingly how deep the experience had cut and wrote to Bouilhet: "We don't have emotions as po-hé-tiques as that every day, thank God; it would kill us."

Flaubert's mother once accused him of letting his love of words kill his natural affections. The episode with Kuchuk Hanem seems to contradict her charge. In Upper Egypt Flaubert met a courtesan with large, dark eyes, "a slightly coffee-coloured skin," and a beauty so fetching that he jotted down every detail of her appearance, including an incisor tooth that was going bad. She performed the Queen Bee, an elaborate strip dance with serpentine flutterings he would recall when he wrote of Salome in *Hérodias*. But his relations with her also included bedbugs, of which he said ironically that "they were the most enchanting touch of all . . . I want a touch of bitterness in everything—always a jeer in the midst of triumph." Read "disenchanting" for "enchanting" and you have a key to the disappointments Flaubert carried back with him from Egypt and the Middle East. He was a fastidious man, nauseated by dirt and unsavory odors and in this respect true blood-brother to Jonathan Swift. Like Swift he felt compelled to put down on paper impressions the ordinary observer would gratefully forget. For example, he noted minutely the eating habits of vultures and of dogs feasting on a donkey's corpse. And after he visited a hospital he jotted down word-pictures of several "pretty cases of syphilis." In some cases misery aroused his sympathies; tramping through "veritable lakes of mud" in the wake of extraordinary rains, he appreciated the state of "poor shivering Arabs" who had neither his fine boots nor pants to cover their nakedness. On other occasions violence, especially the sight of the well-to-do flailing away with clubs at the ragged and unarmed amused him.

In his first version of the *Education sentimentale* he allowed that suffering could be real, provided the sufferer were European. "When the traveler has reached the top of the pyramid," he had written, "his hands are torn and his knees are bleeding; he is surrounded by the desert and devoured by the light, and the harsh air burns his lungs; utterly exhausted and dazzled by the brilliance, he sinks down half dead on the stone; amidst the carcasses of birds come there to die." But the suffering has its rewards and if the traveler will only lift his head, he "will see cities with domes of gold and minarets of porcelain, palaces of lava built on plinths of alabaster, marble-rimmed pools where sultanas come to bathe their bodies at the hour when the moon makes bluer the shadows of the groves and more limpid the silvery water of the fountains."

Flaubert and du Camp saw vastly more mud huts than palaces and more prostitutes than sultanas. Both young men paid their due to Romance, however, shaving their heads with the exception of a single lock, since tradition held that Mohammed would descend to earth on the Day of Judgment, grasp the faithful one by that topknot and bear him up to heaven. This was only a pretense of going native which appealed to their taste for role-playing. Equally phony, it seems, are Flaubert's comments on sodomy as he drops hints in letters to Bouilhet about acts committed with bath boys and male dancers tricked out in women's clothes and as handsome

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as witches.

"Enough of lubricities," he declares at one point, and readers unamused by a vision of Flaubert as Oscar Wilde will say amen. A clearer impression of the gifts that find fulfillment in *Madame Bovary* emerges in Flaubert's snapshot descriptions of sky and sea and mountain. Above the Nile he observes "golden clouds, like satin sofas" and a sky "full of bluish, pigeon's breast tints." Watching a covey of bats pour out of a cave he has entered, he notes the blue of their transparent wings. And having bathed in the Red Sea, he lists the colors that tint the surface and the sea-bottom and not only accepts the impossibility of doing justice to these phenomena but decides that a literal rendering of nature would produce an impression of factitiousness. What he sought, his fiction would soon reveal, was a modified realism penetrated by the imagination as the bats' wings were penetrated by the blue of the sky.

The Oriental journey was a partial return to the ways of the schoolboy. Flaubert had been "a fanatical swimmer." He had gone in too for long walks, boating, hours in the saddle. In Egypt a wave of homesickness hit him as he remembered the charms of Croisset. Satisfied with the "bellyful of color" travel offered him, he was eager to take up the old life again, including the perpetual dressing gown and felt slippers. The evidence, though inconclusive, suggests that a cloudy plan for *Madame Bovary* had already formed in his mind. The style of the travel notes—brilliantly exact, lyrical but held in check—would find its way into *Bovary*. The grimness that alternates with the lyricism of *Madame Bovary* may also owe something to the Oriental experience. During the tour Flaubert was infected with syphilis. The disease harassed him all through the 30 years that lay ahead, and probably influenced his decision in late works like *Bouvard et Pécuchet* to "vomit bile" on the democracy-lovers whom he charged with setting the tone of 19th-century culture.

As a clue to the younger Flaubert—sharp-eyed, passionate about the natural world if rather detached about human beings, playful, exuberant, candid as he never was in earlier translations—*Flaubert in Egypt* is one of the valuable offerings of the season. A shocker too, deserving a place beside Boswell's London journal.

James Walt

In Brief

The Impeachment and Trial of Andrew Johnson by Michael Les Benedict

(Norton; $6.95)

The impeachment proceedings against President Andrew Johnson simmered for years. They first reached the voting stage in Congress in December 1867, after Johnson had obstructed the Republican Reconstruction program for so long and with such successful belligerence that it seemed as if conservative as well as radical Republicans could be mustered to throw him out. (In his annual message to Congress at that time he struck out wildly, for example, against black suffrage because the blacks were inferior as well as "corrupt in principle and enemies of free institutions.") But no, for a variety of political reasons, and for want of a clearly indictable illegality to accuse him of, it did not happen. One Republican said, "If the great culprit had robbed a till; if he fired a barn; if he had forged a check; he would have been indicted, prosecuted, condemned, sentenced and punished . . . but the evidence shows that he only oppressed the Negro; that he only conspired with the rebel; that he only betrayed the Union party; that he only attempted to overthrow the Republic—of course that goes unwhipped of justice."

When these preliminary impeachment proceedings failed Johnson went into action with new vigor to solidify his powers, and one particular case—his attempted removal of Edwin Stanton as secretary of war—served as the focus for impeachment for clear lawbreaking, that is, removal of Stanton in violation of the Tenure of Office Act. To get Stanton out, Johnson pulled every string at his command—he even tried to set up an *alternative* war department—but the complicated issues of the Tenure of Office Act became the chief focus of the trial with his other excesses of executive authority a poor second. The trial dragged into May 1868; finally seven Republicans joined the Democrats to defeat impeachment.

"Most previous historians," says Professor Benedict in this excellently clear and compressed account of extraordinarily confused maneuverings, "have interpreted the attempt to remove President Johnson as blatantly political, insupportable in law, a blunder from which the nation was saved by seven noble Republican senators who would not succumb to the political pressures around them." Or as a Connecticut senator put the issue, some months after the event, to Fessenden, one of the seven Republicans who voted against impeachment, "To you and Mr. Grimes it is mainly due that impeachment has not become an ordinary means of changing the policy of the government by a violent removal of the Executive." Benedict, however, will not accept such judgments; he paints a convincing and depressing picture of Johnson's incredible loner tactics, and argues that the failure of the impeachment proceedings was a conclusive demonstration of congressional impotence, both legally *and* politically, to act against a man who had gravely and stupidly exceeded the powers of his office ("In many ways, Johnson was a very modern president, holding a view of authority that has only recently been established"). Benedict concludes that the Johnson case makes it "almost inconceivable that a future president will be impeached and removed . . . The only effective recourse against a president who ignores the will of Congress or exceeds his powers is democratic removal at the polls."

A Touch of Danger by James Jones

(Doubleday; $7.95)

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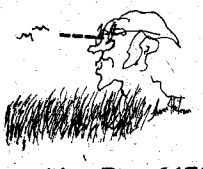
Original drawings by Thom Hickam



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Correspondence

LBJ on Power Politics

Sirs:

I am flabbergasted by your failure to give credit to the political sage who all but predicted Watergate—Lyndon B. Johnson. According to David Halberstam's *The Best and the Brightest,* LBJ once remarked:

> "When you win big you can have anything you want for a time. You come home with that big landslide and there isn't a one of them who'll stand in your way. No, they'll be glad to be aboard and to have their photograph taken with you and be part of all that victory. They'll come along and they'll give you almost everything you want for a while and then they'll turn on you. They always do. They'll lay in waiting, waiting for you to make a slip and you will. They'll give you almost everything and then they'll make you pay for it. They'll get tired of all those columnists writing how smart you are and how weak they are and then the pendulum will swing back."

Richard L. Teutsch
Northfield, Minn.

Student Electorate

Sirs:

As the former campaign manager for a 19-year-old Democratic student recently elected to the Ann Arbor, Michigan City Council, I read with interest *The New Republic*'s prophecy of doom for student-based political power in college towns ("Students and Panthers," May 5, 1973).

The failure of Berkeley radicals to repeat their showing of two years ago was seen as evidence of student electoral impotency. Rather it should be seen as the waning of the kind of radicalism that dominated campus political activity in the late '60s.

Ann Arbor's politics is quite different from Berkeley's. We have a ward system and partisan elections. The non-university element is larger and more conservative. The city's radical politics comes in the form of the highly partisan third party, the Human Rights Party, the core of which comes from the the old International Socialists group on the University of Michigan campus.

Capitalizing on the 18-year-old vote, student voting, its own newness, youthful candidates and vigorous campaigning, and a sluggish Democratic Party, the HRP swept to victory in two wards in 1972. This April's election was quite a different story. HRP won nothing, including the newly drawn second ward, which is 75-80 percent students and which HRP took by 900 votes, out of 4100 cast, last year.

Many things were different this year. Democrats ran more attractive candidates and stronger campaigns, and student turnout was lower. But most importantly there was much evidence that students are tired of radicalism that is too shrill, too dogmatic, too intolerant of other viewpoints.

Unfortunately for Ann Arbor, the splitting of the left vote between the HRP and an extremely liberal Democratic Party has produced a Republican mayor and city council majority.

Student voting in Ann Arbor is, nevertheless, a potent force. Ann Arbor, which was controlled for 40 years by Republicans, voted 62 percent for McGovern. Student votes elected the first Democratic county board of commissioners since the Civil War, a very liberal sheriff and two state representatives.

Committed radicals have probably never been a majority at any major university, and are less so today. At schools like Berkeley and Michigan, a majority of students are at least strongly liberal and can affect local politics, but they are more likely to be mobilized by a Ralph Nader than a Tom Hayden. It should have been expected that the results of mass electoral participation by students would reflect their general liberal bent, not the ideology of campus radical leaders. This is the lesson of the Berkeley and Ann Arbor city elections.

Tom Wieder
Ann Arbor, Mich.

The Classical Survival

Sirs:

Kenneth Evett in his art column of April 7 dwelt on the quality of the campus of the University of Virginia. And he observed that although Jefferson's architecture may yet have something to tell, he doubted that "anyone will try to revive the classic revival." He is a little late in his doubts. A society called Classical America (address: 10-41 51st Avenue, Long Island City, New York, 11101) has been founded to promote the classical tradition in the arts of the United States.

Its aim is rather more than mere reviving. Its founders go on the assumption that the classical never died in this country and that it lives still, if in a diluted form. The society has published two issues of its magazine, *Classical America,* to date.

The society's most telling thrust has been literally in the street where it has sponsored successful walking tours celebrating the birthday of Stanford White by studying the buildings of McKim, Mead & White and also visits to great classical buildings such as the New York Public Library. While its efforts are presently confined to New York, the society expects to sponsor similar tours and visits in Washington, Chicago, Philadelphia and wherever classical mural decoration, sculpture, civic design and monuments exist.

Henry Hope Reed
New York, NY

Kauffmann, *from page 22*

was there ever a generally high level of criticism—in any country? Even in those (other) countries that have produced bodies of great national drama? Why then should there have been, despite some life-saving exceptions, good theater critics in the US, of all places? No, my point is not that the level has sunk but that its peculiar latter-day flatulence about playwriting—and not only in *The New York Times*—has produced a euphoria where none has an esthetic right to exist. Time after time a new writer is overpraised—and in some cases, *any* praise is overpraise. Time after time he is built up for a letdown. (And time after time the discriminating public is irritated by the praise. The latest outbursts of anger I have heard were from people who, on the basis of enthusiastic reviews in newspapers and magazines, went to see *The Hot l Baltimore.*)

Here are some instances of overpraised authors, other than Rabe, in the last decade or so, with the plays that first got big attention: Barbara Garson *(Macbird);* Arthur Kopit *(Oh Dad, Poor Dad*

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. . . etc.); Israel Horovitz *(The Indian Wants the Bronx);* Paul Zindel *(The Effect of Gamma Rays . . .* etc.); John Guare *(House of Blue Leaves);* Jean-Claude van Itallie *(America Hurrah!);* Ronald Ribman *(Journey of the Fifth Horse);* Ron Cowen *(Summertree);* Terrence McNally *(And Things That Go Bump in the Night);* and Jason Miller *(That Championship Season).* The last has just been given the Pulitzer prize, thus putting Miller in the august company of such recent laureates as Zindel, Charles Gordone, Howard Sackler, Frank D. Gilroy, Tad Mosel, and Ketti Frings. What a list!

Each of these people either has demonstrated already that he/she was originally overpraised, or has demonstrated nothing at all, or—in my strong view—will demonstrate decline from mistaken heights. One prominent critic of film says, from time to time, that he will stake his critical reputation on a strong view he is then expressing. I would have thought that a critic stakes his reputation every time he opens his mouth. Opening my mouth now, I predict that none of the above will write anything that is even up to the level of what he has been acclaimed for. And those who acclaimed him, if they are still around and writing criticism, will go "tsk-tsk" again and will tell us mournfully that the new play doesn't "work."

It's no pleasure at all to be negative on this subject, no pleasure—for someone long committed to the theater—to make negative bets. Nor am I cementing a bias, though like any other human being, I have predispositions pro or con a work relevant to my past experience with the author. (Just to stick my own neck out, I'll mention two new playwrights of whom I expect good work: Robert Montgomery, author of *Subject to Fits,* and John Ford Noonan, author of *Older People;* and, of course, the continuing talent of Sam Shepard.) But if the people listed earlier were novelists, their cognate work would evoke an editor's "Do let us see your next" or, if published, critical acknowledgment of passable competence. In the theater, where there have been so few mountains through the centuries, the critical alpinists scale molehills.

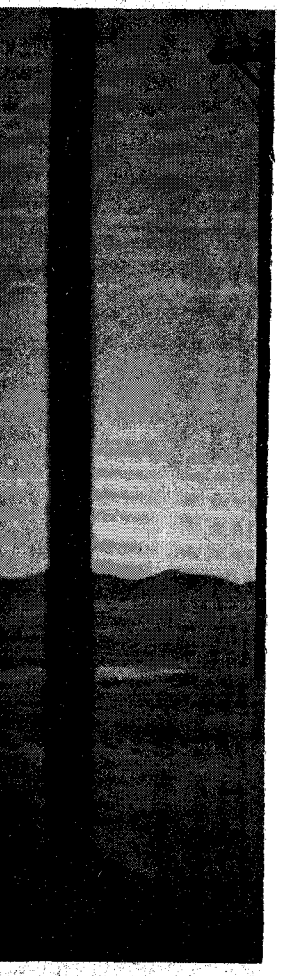
No season is allowed to go by without *some* show of enthusiasm, some discovery. Either this is because of fear of monotony in reviews or fear that the critic's editor will say, "Well, if it's *all* junk, why are we bothering?", or to pump—at the slightest excuse—some life into the theater so that it will be *there* when the really good works come along. This last casuistry is the closest to a valid reason, but even so it leads to a dreadful inflation of critical language and to public distrust.

So we're constantly being told that there is a body of playwriting talent in the American theater, that new names are added and old ones drop but that the body is constant. This is supposed to be some sort of consolation for the slightness, the ineptness, the triteness, the imitativeness, the strain, the adolescent sensibility, the lack of *necessity* in the work of the writers listed earlier, and of a number of others that could be named. It's the current American cultural curse, in many arts, to talk about talent instead of works. The public is supposed to go to the theater—and I mean the intelligent public—to see the manifestation of talent, rather than a satisfactory work. This is part of the solipsism of theater people; the more serious they are, the more fervently they believe that the audience *owes* them its presence. But the public gets tired of air pudding, and a body of talents, as opposed to reasonably satisfactory realized works, is a manufactory of air pudding—seemingness without substance.

I propose no iron legislation: despite millions of requests, I don't think my opinions should be made national theater law. Still, if *a priori* is conjectural, *a posteriori* is concrete. Just look at all the "important" new writers we've had in the last dozen years, and look at what's come of them. Most of them are candidates for that article—it appears occasionally in the Sunday drama section of *The New York Times*—in which the playwright now approaching 40 comments bitterly on his trouble in getting produced or getting a run despite the fact that a decade ago he got all those praises and prizes. I would be happy (believe it or not) to be dead wrong about Rabe and every playwright I have mentioned adversely, but on the evidence I think that, in the long range, they and the public and the theater are being victimized by critical flabbiness.

Correction

The Age of the Avant-Garde by Hilton Kramer (Farrar, Straus & Giroux) reviewed last week in these pages is not to be published until late fall. We regret the difficulties for author and and publisher attending this mistake.



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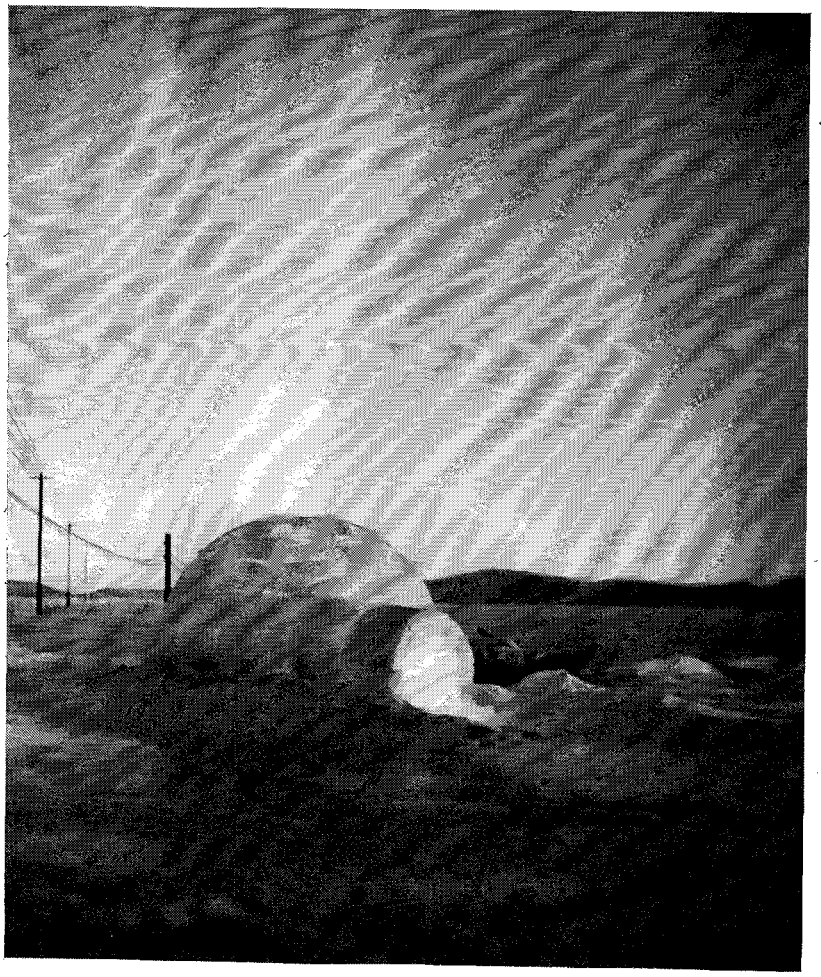

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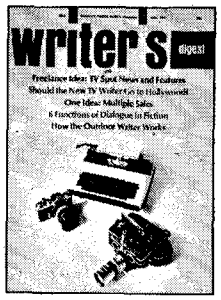

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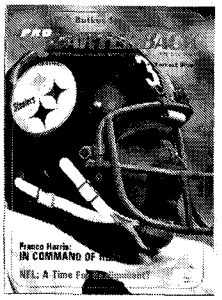

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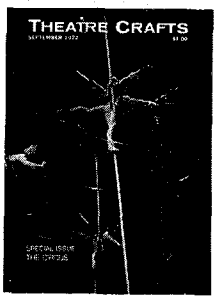

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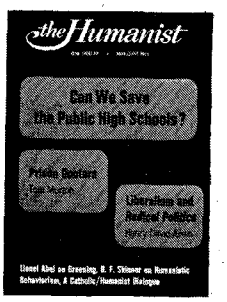

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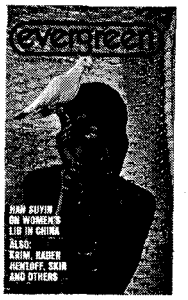

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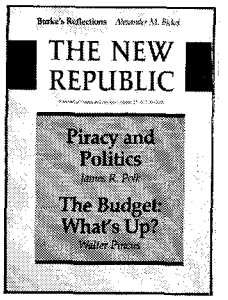

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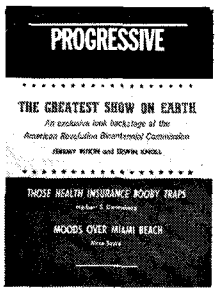

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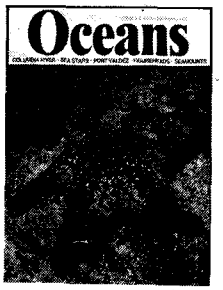

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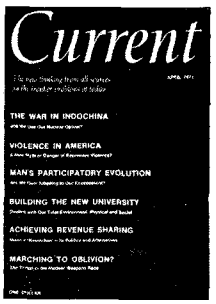

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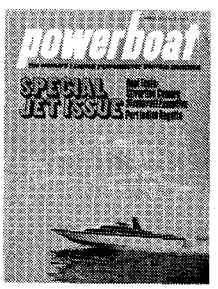

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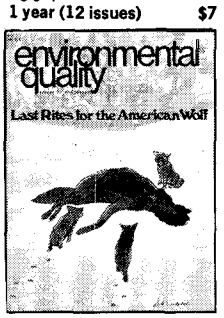

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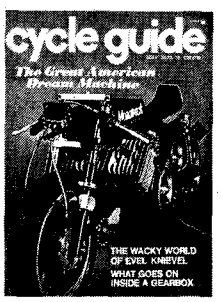

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